United Nations E/C.12/KAZ/2

Economic and Social Council

Distr.: General
13 September 2017
English
Original: Russian
English, French, Russian and Spanish only

Committee on Economic, Social and Cultural Rights

Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Second periodic reports of States parties due in 2015

Kazakhstan*, **

[Date received: 28 July 2017]

* The present document is being issued without formal editing.

** The annexes may be consulted in the files of the secretariat. They are also available from the Committee's website.

GE.17-15967(E) 151217 181217

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I. Methodology

1. This second periodic report by Kazakhstan on implementation of the International Covenant on Economic, Social and Cultural Rights is submitted in accordance with articles 16 and 17 of the Covenant.

2. The report covers the results of action taken to implement the recommendations contained in the concluding observations of the Committee on Economic, Social and Cultural Rights at its forty-fourth session, held from 3 to 21 May 2010.

3. The analysis drew on official documents adopted by government bodies, statistical information, articles, reports and other information and analytical material obtained from official sources, including documents from non-governmental organizations (NGOs) and trade union bodies.

4. During preparation of the report, discussions were held with representatives of government bodies, the United Nations Development Programme (UNDP) and NGOs.

5. The main socioeconomic indicators for Kazakhstan for the period 2010–2015 are presented in Annex 1.

II. Report on recommendations made by the Committee on Economic, Social and Cultural Rights at its forty-fourth session

Recommendation 7

6. Under article 2 (3) of the Code of Criminal Procedure, article 2 (3) of the Code of Civil Procedure, article 1 (4) of the Code of Administrative Offences and article 1 (3) of the Criminal Code, international treaties ratified by Kazakhstan take precedence over these codes and are directly applicable, except when it follows from such a treaty that its application requires the promulgation of a law.

7. In order to ensure the correct and uniform application of ratified international treaties in the area of human rights, the Supreme Court on 10 July 2008 adopted a regulatory decision on application of the provisions of international treaties, which also facilitates the practical implementation of such treaties.

8. The topics of study in the Academy of Justice of the Supreme Court cover international instruments, including the Covenant.

9. Provision is made in statistical forms for the separate reporting of court cases in which reference is made to the Covenant.

10. Strict application of the standards set out in existing legislation and compliance with the norms of international treaties related to issues concerning the administration of justice constitute the principles of the courts' work. The provisions of international treaties are implemented in national legislation and, in applying such treaties, the courts give direct effect to international standards.

11. Work is continuing on reflecting references to international treaties, including the Covenant, in court decisions.

Recommendation 8

12. In order to raise awareness of human rights, a bulletin and information leaflets are regularly issued on the website of the Human Rights Commissioner (Ombudsman). The work of the Ombudsman is on record and widely disseminated in the mass media. Information material on human rights, including economic, social and cultural rights, is distributed by staff of institutions under the Office of the Ombudsman during visits to social, educational, children's and penal establishments in the regions.

13. All communications and recommendations addressed to officials are reflected in the annual report on the activities of the Ombudsman.

14. National human rights institutions (the Office of the Ombudsman and the Human Rights Commission attached to the Office of the President), in cooperation with international and non-governmental organizations, organize training workshops on human rights for representatives of government bodies and civil society.

15. When considering complaints and during personal visits by members of the public, staff from establishments operating under the Office of the Ombudsman explain to citizens what their rights are and how they can protect them. Between 2010 and 2015, the Ombudsman received 2,566 communications concerning violations of social and economic rights, and staff from establishments operating under the Office made monitoring visits to 115 medical, social and children's organizations and to training and production enterprises of the Kazakh Deaf and Blind Society. More detailed information on communications to the Ombudsman concerning violations of citizens' social and economic rights in the period 2010–2015 is contained in Annex 2.

16. People are informed through the mass media of their fundamental rights and freedoms, as well as of the measures being taken to secure and protect them. For instance, as a result of the monitoring exercise carried out in 2015, 3,663 items on human rights were disseminated in national and regional mass media outlets. National media carried 322 items on television channels, 479 articles in printed media and 825 items on Internet sites, while regional mass media outlets disseminated 2,037 items.

17. Furthermore, four ethnic minority mass media outlets executed government commissions in four languages in 2015, while national television channels provided coverage in three languages and radio channels broadcast in nine languages.

Recommendation 9

18. Children are educated in human rights, as well as in economic, social and cultural rights, by studying the topic of "People, society and the law" for 34 hours in grades 9–11, as well as through the subject of "Self-awareness" in grades 5–9. In grades 7–9, for instance, the subject of "Self-awareness" includes a section on "People and society".

19. In the Comprehensive Plan to Increase the Level of Legal Culture of Citizens of the Republic of Kazakhstan for 2012–2014, approved by Government Order No. 285 of 2 March 2012, provision was made to raise the awareness of officials in the judicial system and specialists working with children. In addition, the Programme on explaining the law, increasing the level of legal culture, legal training and education of citizens for 2009–2011, approved by Government Order No. 1116 of 29 November 2008, was carried out.

20. In line with these documents, provision has been made for the study of legal issues and conventions in the curricula of further training courses for officials in law enforcement agencies and the judicial system.

21. Courses on "The work of internal affairs agencies in protecting citizens' and human rights and freedoms" are offered in the higher education establishments operated by the Ministry of Internal Affairs (the academies in Almaty, Karaganda and Kostanay, and the Aktobe Law Institute).

22. Classroom training in international human rights conventions and treaties ratified by Kazakhstan is given in the training centres run by the Ministry of Internal Affairs and the Internal Affairs Department.

23. In order to increase the population's level of trust in the police, a nationwide helpline or call centre has been in operation at the Ministry of Internal Affairs since the start of 2014, accessible by dialling 1402. Any citizen can now call the help line, free of charge, from anywhere in the country and report evidence of corruption or other violations by internal affairs officials.

24. This measure is having a powerful impact on the behaviour of police officers with regard to the inadmissibility of human rights violations.

Recommendation 10

25. In 2012, the Office of the Ombudsman was granted "B" status at the International Coordinating Committee of National Human Rights Institutions.

26. Anchoring the status of the Ombudsman in the Constitution was an important step in bringing the country's national human rights institution into line with the Paris Principles and strengthening the national human rights system.

27. The work of the Ombudsman is in line with a number of the Paris Principles:

(1) The Ombudsman is approved by the President in agreement with the chambers of the Parliament (the regulatory document enumerates an exhaustive list of grounds for dismissing the Ombudsman from office);

(2) The Ombudsman is empowered to request officials to provide him or her with any information related to human rights and freedoms, to visit establishments (including closed institutions) for monitoring purposes and, in cases of major public significance, to submit material to the President, the Parliament and the Government;

(3) The Office of the Ombudsman receives and examines submissions from all territorial entities, including those submitted through its website (consideration is currently being given to establishing regional units of the Office of the Ombudsman);

(4) The Ombudsman makes recommendations to government bodies in an annual report that is submitted to the President of Kazakhstan and which reflects all the notifications and recommendations made by the Ombudsman, thereby ensuring oversight of their implementation;

(5) The Ombudsman cooperates actively on the widest range of issues both with civil society institutions and with international organizations;

(6) The work of the Ombudsman is published and widely disseminated in the mass media and on the Ombudsman's website (ombudsman.kz);

(7) The Ombudsman takes part in drawing up and discussing draft laws and regulations in the area of human rights during their elaboration and adoption by the Parliament;

(8) The Ombudsman considers individual complaints concerning human rights violations;

(9) The Ombudsman initiates consideration of cases of human rights violations;

(10) In carrying out his or her work, the Ombudsman is independent, is not subordinate to any legislative, judicial or executive body, and is not part of or related to their structures;

(11) The annual report of the Ombudsman is published in a printed version and is freely accessible on the Ombudsman's website.

28. The protection of social and economic rights is a high priority in the work of the Ombudsman; in particular, the Ombudsman has taken initiatives to involve disabled persons in social and political life, to prevent labour and social conflicts and harmonize labour relations, to protect children's rights, to protect citizens against forced eviction, and to promote the social reintegration and vocational rehabilitation of offenders, as well as in a number of other areas.

Recommendation 11

Combating corruption

29. One of the priorities of government policy is to work out systemic measures to counter corruption.

30. The Agency for Civil Service Affairs and Anti-Corruption Activities has accordingly been established and carries out preventive measures to counter corruption.

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31. To this end, the Department of Anti-corruption Policy has been set up within the Agency.

32. The structure of the Agency includes the National Anti-Corruption Bureau, which carries out law enforcement work in this area.

33. The Bureau has a range of powers that enable it to implement administrative procedures and initiate criminal prosecutions against persons who have committed violations involving corruption.

34. In implementation of the "100 Concrete Steps" national plan proclaimed by the Head of State, the Anti-Corruption Act (amended) was adopted in November 2015.

35. Under article 22 (1) of the new Act, all government bodies, organizations, quasi-governmental bodies and officials, as well as bodies under the Office of the Procurator General, within the limits of their competence, shall take steps to counter corruption.

36. Their powers in this field are also governed by the Code of Criminal Procedure and the Act on the Office of the Procurator General.

37. Bodies under the Office of the Procurator General are accordingly vested with the range of powers required to counter corruption.

38. With the aim of giving effect to United Nations recommendations and reducing recourse to criminal justice measures, the work of the relevant authority places emphasis on the prevention of corruption.

39. To this end, tools such as anti-corruption monitoring and standards and corruption risk analysis have been introduced under the new Act.

40. Financial control measures are being extended: whereas previously only the property of government officials had to be declared, from 2020 this requirement will be generalized to all citizens (Principles for the transition to universal declaration of income and property by all citizens and permanent residents of Kazakhstan, approved by Government Decision No. 975 of 23 September 2010).

41. In this connection, not only income but also expenditure must be declared.

42. The criminal legislation of Kazakhstan has been subject to conceptual review.

43. In 2015, alternative forms of punishment not related to deprivation of liberty (such as fines calculated as multiples of the bribes offered) were introduced for corruption offences.

44. These measures have been taken in the context of implementation of the Principles of the legal policy of Kazakhstan for the period 2010–2020, approved by Presidential Decree No. 858 of 24 August 2009.

45. Under the new Criminal Code, for persons who have committed crimes involving corruption there is no statute of limitations, suspended sentences are prohibited, and a lifetime ban is introduced on the right to hold posts in the civil service.

46. It is extremely important that corruption in the judiciary has been reduced to zero during these years.

47. In 2013, 15 offences in the judicial system were uncovered and four judges were convicted; in 2014, there were 7 offences and five judges convicted; while in 2015, no judges were convicted.

48. In accordance with the agenda of the Head of State, active measures are being taken to foster the public's intolerance of corruption.

49. The institution of anti-corruption education, which has been affirmed for the first time at the legislative level, is helping to achieve this goal.

50. In 2015, national and regional television channels showed 3,369 videos and 4,840 information messages were broadcast on the radio, aimed at raising the level of anti-corruption culture in the society.

51. A total of 6,135 articles on anti-corruption topics have been published in the print media, while 8,549 articles and notes have been posted on the Internet and social networks, as well as on press agencies' websites.

52. The new Act has introduced the institution of anti-corruption standards for the early prevention of corruption.

53. This is a system of recommendations for each area of social relations, aimed at preventing corruption.

54. The duty of preparing standards is assigned to government bodies, organizations and entities in the quasi-governmental sector.

55. Another innovation is the inclusion in the Act of the prevention and resolution of "conflict of interests" as one measure for combating corruption.

56. The fight against corruption is now being carried on in both the public and the private sectors.

57. Moreover, starting from 2017, a national report on combating corruption will be submitted each year to the Head of State for consideration.

58. Kazakhstan is taking systematic and comprehensive steps to improve the social guarantees of civil servants.

59. The phased, regular increase in civil service salaries is intended to increase the social well-being of civil servants and create conditions in which they can carry out their duties on an honest and fair basis.

60. Kazakhstan is developing measures aimed at increasing the level of trust in law enforcement agencies and developing personnel who are characterized by impeccable behaviour and a high level of competence.

61. To this end, the procedure for selecting candidates for employment in the law enforcement service has been revised.

62. Admission to the service will be through a three-stage competitive process.

63. This will comprise testing of knowledge of legislation, assessment of personal qualities and professional competencies, and an interview with the candidate.

64. Steps will be taken to demilitarize law enforcement bodies in a phased manner and to bring the standards of the law enforcement service into line with those of the civil service.

65. New approaches will also be taken to the certification of law enforcement officers.

66. Particular attention is being paid to increasing trust in the judicial system and strengthening its role in protecting citizens' rights and legitimate interests. Steps have been taken to further improve the mechanism for constituting the bench of judges, computerizing judicial proceedings and making them more transparent and accessible.

67. With the adoption of the new Access to Information Act, everyone may exercise his or her constitutional right to freely receive and disseminate information in any way not prohibited by law.

68. Considerable work has been done to this end. Citizens may now receive and disseminate information, directly access a government body and make use of information resources, including the Government's portal and the Internet resources of government bodies.

69. This right is also given effect by the Social Councils Act, which was adopted in 2015.

70. This Act specifies how the activity of social councils is organized; their work is aimed at implementing government policy on forming a State that is accountable to the population and ensuring broad participation by non-profit-making organizations and citizens in the adoption of decisions by government bodies at all levels.

71. The conditions have been created whereby citizens can freely submit information concerning corruption, including through telephone helplines and government bodies' websites.

72. In order to make the country more attractive to investors and more competitive, the administrative obstacles that hindered entrepreneurial activity and prevented the population from receiving prompt and high-quality government services have been eradicated.

73. Recommendations for raising the quality of delivery of government services are being drawn up by the competent authority, following external assessment of corruption risks and audits of government services.

74. With the adoption of the Government Services Act and the Authorizations and Notifications Act, the conditions have been created for raising the quality of delivery of government services, and the numbers of authorizations and types of activity that are subject to licensing have been sharply reduced.

75. A system has been developed for assessment of efficiency and external quality control of the delivery of government services.

76. As a result of the work done, there have been annual reductions in failures to comply with time limits for the delivery of government services (an 8.7-fold reduction compared with 2012) and in complaints concerning the quality of delivery (25 per cent), as well as increases in the proportion of services offered on line (more than doubled) or delivered through service centres (51 per cent).

77. Government procurement is increasingly computerized; this fosters the establishment of a competitive environment and the transparent and efficient disbursement of budgetary resources.

78. In the non-governmental sector of the economy, favourable conditions have been created for entrepreneurial activity, job creation and the promotion of employment.

79. Overall, the adoption of the measures described above has made Kazakhstan one of the leading countries, both in the Central Asian region and among the countries in the Commonwealth of Independent States, in terms of the level of anti-corruption activity.

80. A 10-year (2015–2025) anti-corruption strategy (approved by Presidential Decree No. 986 of 26 December 2014) is currently being implemented in Kazakhstan.

81. The strategy is aimed at making government anti-corruption policy more effective and involving the whole of society in this movement by creating an atmosphere of "zero tolerance" of any manifestation of corruption.

82. The Government has determined a whole range of actions for implementing the strategy.

83. Quality control of implementation of the action plan is being carried out by the Government, as well as by a special monitoring group composed of representatives of non-governmental organizations, the mass media and civil society.

Development of the judicial system

84. Sustained measures are being taken to further improve the country's judicial system.

85. According to the World Economic Forum's *Global Competitiveness Report 2014–2015*, Kazakhstan ranked 86th of 140 countries for the indicator of "Judicial independence", a rise of 25 places compared with 2011, when it had ranked 111th. In 2015, Kazakhstan ranked seventy-second, an improvement of 39 places compared with 2011 and of 14 places compared with 2014. In addition, according to the World Bank's Doing Business ranking, Kazakhstan was ninth of 189 countries for the indicator of "Enforcing contracts", which assesses the state of development of the judicial system and the enforcement of court decisions (in terms of three parameters, "time", "cost" and "quality of judicial processes").

86. The work being done in the country to strengthen the independence of the judiciary has been acknowledged through the admission of the Kazakhstan Union of Judges to full membership of the International Association of Judges, which is working on global United

Nations programmes on justice. This admission testifies to the fact that, with regard to key indicators, the country's judicial system meets international standards for the judiciary.

87. In addition to regional courts, specialized inter-regional economic, administrative and criminal courts, military courts and specialized inter-regional juvenile courts have been established and are fully functional. Separate judicial proceedings for investment disputes were instituted on 1 January 2016.

88. In order to modernize civil proceedings, a new Code of Civil Procedure of the Republic of Kazakhstan was adopted on 31 October 2015. The new Code ensures practical implementation of a range of measures set out in the "100 Concrete Steps" national plan, in the context of institutional reform to ensure the supremacy of the law. In particular, standards have been introduced for limiting the involvement of prosecutors in courts hearing civil disputes, and for introducing audiovisual recording of all cases, as well as a new procedure for considering investment disputes.

89. In order to improve the quality of records of court proceedings, audiovisual recording systems have been introduced, based on modern technology and offering the possibility of computerized record-taking. In 2015, 73.6 per cent of the courtrooms in the country were equipped with the new technology; all courts will be equipped with this system in 2016.

90. In 2011, a mediation body was established as a pretrial aid for restoration and the settlement of judicial disputes. The new Code provides for further development of the mediation body, promoting the development of restorative justice, reducing the court workload and introducing a new type of conciliation procedure: court-led mediation.

91. Experiments carried out in court have confirmed the soundness of mediation carried out both by the mediator and by the court. More than 9,000 mediated agreements were concluded in 2014, achieving reconciliation between at least 18,000 citizens.

92. As a logical continuation of the systemic work being done to optimize the judicial system, the Act amending the Criminal Code, the Code of Criminal Procedure and the Code of Civil Procedure of the Republic of Kazakhstan concerning Matters related to Improvement of the Judicial System came into force on 1 January 2010. The number of judicial bodies has been optimized, and a three-tier judicial system has been created: regional courts of first instance, provincial appellate courts and the Supreme Court as the court of cassation.

93. In July 2014, the new Criminal Code, Code of Criminal Procedure and Penal Enforcement Code came into force, providing for a range of new institutions and standards that have found wide application in international practice, and in particular for the introduction of the concepts of misdemeanours, investigating judges, procedural agreements and probation, the wider use of alternatives to deprivation of liberty, electronic supervision of offenders ("electronic tagging"), etc.

94. The Act amending Certain Legislative Instruments of the Republic of Kazakhstan concerning Matters related to Improving the Administration of Justice was adopted on 31 October 2015. This Act aims to improve judicial proceedings and legislation concerning civil procedure.

95. The Constitutional Act providing for Amendments to the Constitutional Act of the Republic of Kazakhstan on the Judiciary and the Status of Judges of Kazakhstan was signed on 31 July 2015. It provides that a retired judge with a period of service in judicial work of not less than 15 years shall, on reaching pensionable age, be paid a lifetime monthly allowance.

96. The Constitutional Act amending Certain Constitutional Acts related to the Supreme Judicial Council, the Legal System and the Status of Judges was adopted on 4 December 2015. This Act introduced amendments with regard to increasing the period of judicial work to qualify for retirement and regulated matters related to suspension and reinstatement of payment of the lifetime monthly allowance of a retired judge. The Constitutional Act also provides for amendments aimed at improving human resources management in the judicial system, increasing the independence of judges and modernizing the work of the

Supreme Judicial Council. In addition, it clarifies the qualification requirements for judges and the mechanisms for selection of candidates.

97. An international council attached to the Supreme Court has been established, its main aims being to introduce advanced international standards into the country's judicial and legal system and to ensure improvements in the legal regulation of judicial activity and the courts' law enforcement activities.

Recommendation 12

98. In accordance with article 14 (2) of the Constitution, no one may be subjected to any discrimination on grounds of origin, social, official or property status, sex, race, ethnicity, language, attitude to religion, beliefs or place of residence or on any other grounds.

99. The direct or indirect restriction of human (citizens') rights and freedoms on grounds of origin, social, official or property status, sex, race, ethnicity, language, attitude to religion, beliefs, place of residence, membership of voluntary associations or on any other grounds is punishable by law (Criminal Code, art. 145).

Recommendation 13

100. In the Republic of Kazakhstan, 651,900 persons, or more than 3.7 per cent of the population, have a disability.

101. Of the total number of persons with disabilities, 56.2 per cent are male and 43.8 per cent are female; 12.2 per cent are children, 62.8 per cent are of working age and 25 per cent are older persons; 55.2 per cent live in urban areas and 44.8 per cent live in rural areas.

102. Discrimination on the basis of social status is prohibited. In accordance with the Social Protection for Persons with Disabilities Act, the prohibition against discrimination on the basis of disability is a principle of State policy.

103. Persons with disabilities enjoy all the socioeconomic and personal rights and freedoms enshrined in the Constitution and other legislative acts.

104. Social assistance for persons with disabilities includes payments in the form of State benefits, compensation and other disbursements, including from charitable sources, as provided for in national legislation.

105. All persons with disabilities, regardless of their work history and income, receive a State social disability benefit (in 2016, 183.2 billion tenge was paid out) and, on reaching pension age, a basic pension.

106. Persons insured under the mandatory social insurance scheme who lose the capacity to work receive social payments from the State social insurance fund (in 2016, 8.6 billion tenge was paid out) in addition to basic benefits.

107. In 2010, a monthly childcare benefit equal in value to 1.05 times the minimum wage was introduced.

108. Persons with disabilities follow an individual rehabilitation programme, in accordance with which they are given assistive rehabilitation appliances, paid for by the State. In the last five years alone, State spending on rehabilitation appliances and services for persons with disabilities rose from 4.0 to 17.9 billion tenge.

109. In 2015 and 2017, the range of assistive rehabilitation appliances and special mobility devices available to persons with disabilities was expanded.

110. The plan of action to ensure the rights and improve the quality of life of persons with disabilities in Kazakhstan for 2012–2018, approved in phases by Government orders, has been implemented since 2012.

111. Within the framework of the plan of action, ongoing efforts are being made to improve legislation, form a barrier-free environment and create equal opportunities for persons with disabilities to take part in everyday activities and be included in society.

112. Laws were adopted in 2015 to improve the quality of life of persons with disabilities:

- The Act ratifying the Convention on the Rights of Persons with Disabilities;
- The Act amending Certain Legislative Instruments on the Protection of the Rights of Persons with Disabilities;
- The Act amending Certain Legislative Instruments on Migration and Employment.

113. In all regions, accessibility assessments are conducted of social and transport infrastructure before it is adapted to the needs of persons with disabilities. In 2014–2016, 16,700 special road signs were installed in places where there are organizations catering for persons with disabilities, and 465 crossing points fitted with auditory signals were constructed.

114. In the context of the emerging accessible environment, the Ministry of Labour and Social Protection is taking measures to ensure that the on-site services offered by social protection agencies are accessible to persons with disabilities:

- Persons with disabilities can have all rehabilitation aids other than prosthetic and orthopaedic appliances delivered to their homes;
- An online support service providing psychological assistance and advice to parents raising children with disabilities has been set up and is operational;
- Citizens who live far from district centres can submit paperwork concerning pensions and benefits, as well as paperwork concerning disability assessments conducted by the medical and social assessment service, to specialists from the Kazpost corporation and mobile public service centres;
- The regions receive targeted current transfers from the national budget to develop the taxi service for persons with disabilities.

115. Like other citizens, persons with disabilities have the right to a guaranteed amount of free medical care in accordance with the procedure established in national legislation.

116. The development of inclusive education is a priority, and various measures are being taken to improve the quality of life of children with special developmental needs. These measures are set forth in the State Programme of Education Development in the Republic of Kazakhstan for 2011–2020, the social development framework for the period up to 2030 and other laws and regulations.

117. The proportion of schools offering inclusive education will reach 70 per cent by 2020 and 100 per cent by 2030.

118. Inclusive education is being developed. Special conditions are being created to guarantee access to preschool and secondary education, address developmental disorders and social adaptation difficulties and ensure equal access to quality education for all categories of children: children with health problems (those with special developmental needs and those with disabilities); children with social adaptation difficulties (those with behavioural difficulties and those with a low socioeconomic or social and psychological status); children from migrant families, children of returnees (*oralman*) and refugee children (over 6,000 migrant children, including 889 of preschool age and 5,358 of school age, and 24,725 returnees (*oralman*)); and the 27,363 children living in the 1,523 communities in which there are no schools.

119. To date, the conditions have been created for the inclusive education of 30.5 per cent of children in secondary education institutions. These special conditions allow 25,633 children with special developmental needs (27 per cent) to study alongside their healthy peers.

120. In accordance with the 2014–2020 plan of action for the implementation of the framework for making Kazakhstan one of the world's 30 most developed countries, approved by Presidential Order No. 752 of 30 June 2014, a series of measures for the further development of the inclusive education system over the period 2015–2020 was approved (Ministry of Education and Science Order No. 534 of 19 December 2014).

121. New conceptual approaches for the development of inclusive education have been approved (Ministry of Education and Science Order No. 348 of 1 June 2015).

122. Special education is an integral part of general secondary education that involves creating the necessary conditions for the education of persons with special needs, and it includes special educational programmes, textbooks and teaching methods; special methods and teaching devices; assistive teaching aids; and medical and social services.

123. In 2016, there were 144,783 children with special developmental needs (compared to 138,513 in 2014). Out of a total of 84,120 school-age children, 45,104 (46.7 per cent) are taught in inclusive schools. Of the remaining children, 13,722 (14.6 per cent) are taught in special schools and 11,461 (12.2 per cent) in special classes; 10,408 (7.3 per cent) are homeschooled; 2,189 (2.3 per cent) study in private institutions; and 2,877 (3 per cent) study in colleges. Out of a total of 41,805 children of preschool age, 14,717 (35.2 per cent) are taught in inclusive preschool institutions. Of the remaining children, 5,159 (12.3 per cent) are taught in special kindergartens; 4,474 (10.8 per cent) are taught in special groups; 12,663 (30.2 per cent) receive educational support in psychological and educational centres and rehabilitation centres; and 683 (1.6 per cent) are homeschooled.

124. Children with special developmental needs are entitled to free social, medical and educational support; free screening in State medical institutions, psychological, medical and educational guidance centres, and medical and social assessment units; free medical care in accordance with the procedure established in national legislation; free medical, psychological and educational treatment for physical or mental defects as soon as they are identified, irrespective of their degree of seriousness, in accordance with the findings of the psychological, medical and educational guidance centre.

125. At the beginning of the 2016/17 academic year, there were 39 preschool institutions, 98 special educational institutions, 58 psychological, medical and educational guidance centres, 149 psychological and special education centres, 12 rehabilitation centres and 880 speech therapy units in general education schools, all of which were working to realize the right to education for children with special developmental needs.

126. The employment of persons with disabilities is a priority. As of 1 January 2017, 129,700 persons with disabilities were in work. As of 1 June 2017, the participants in the programme to develop productive employment and mass entrepreneurship included 4,983 persons with disabilities.

127. In total, 4,501 persons found work, including 1,034 who found permanent positions and 3,467 who found temporary ones.

128. In addition, 330 persons underwent professional training, 141 underwent training on the fundamentals of business as part of the Bastau Business project, 667 found sheltered employment positions, 193 secured work-experience placements and 2,607 took part in public work programmes.

129. The Act of 24 November 2015 amending certain legislative instruments on migration and employment provides for subsidies for employers who incur expenses in setting up specialized work stations for persons with disabilities and the improvement of the quota mechanism to ensure that persons with disabilities make up a certain proportion of the workforce.

130. In 2015, standards on disability in the workplace were adopted to establish a single set of requirements for the equipment of work stations for persons with disabilities and the conditions in which such persons work, speed up the creation of jobs for persons with disabilities and ensure the successful inclusion of persons with disabilities in the working life of society.

131. The non-governmental sector is involved in efforts to develop solutions to realize the rights and improve the quality of life of persons with disabilities.

132. The Coordinating Council on Social Protection of Persons with Disabilities established by the Government in 2005 is an effective mechanism in this connection, and 16 of its 26 members (or 62 per cent) are representatives of voluntary associations of persons with disabilities.

133. In 2013–2014, external disability advisers began working with the heads of the central and provincial authorities.

134. Every year, a national competition is held to identify the best social projects carried out in Kazakhstan. The competition supports and promotes projects carried out by persons with disabilities and their representative voluntary organizations to improve the lives of persons in difficult circumstances.

135. Public awareness campaigns are conducted to promote public tolerance towards persons with disabilities and highlight their potential and contribution to the country's development.

136. National and regional media outlets ran some 14,000 items promoting a positive image of disability.

Recommendation 14

137. The labour activities of foreign nationals in the country are governed by a number of laws and regulations.

138. The Constitution is the legal basis for the regulation of migration. It stipulates that foreign nationals and stateless persons enjoy the same rights and freedoms and bear the same responsibilities as citizens, unless otherwise stipulated in the Constitution, laws and international agreements.

139. In accordance with generally recognized principles and standards of international law, the Constitution (art. 21) establishes that "all persons lawfully present in the territory of the Republic of Kazakhstan have the right to freedom of movement within its territory and free choice of residence, other than in the cases specified by law".

140. The Commonwealth of Independent States Agreement on Cooperation in the Area of Labour Migration and Social Welfare for Migrant Workers of 15 April 1994 is in force (ratified by the Supreme Council on 8 September 1994).

141. The Convention of the States Members of the Commonwealth of Independent States on the Legal Status of Migrant Workers and Members of Their Families, which was signed in Chisinau on 14 November 2008 and ratified by Kazakhstan on 31 December 2009, requires States Members to prohibit slavery and any other form of servitude, forced labour, torture and cruel or degrading treatment or punishment of migrant workers and their family members.

142. In accordance with article 97 (1) of the Treaty on the Eurasian Economic Union, which was ratified by Kazakhstan in a law of 14 October 2014, employers and (or) persons who tender for work (services) in a Member State have the right to hire workers of other Member States, regardless of restrictions in place to protect the national labour market. Workers who are nationals of Member States are not required to obtain a permit to work in the State in which they are employed.

143. Kazakhstan adopted the Migration Act (new version), which entered into force on 16 August 2011.

144. The Act was the first piece of legislation to identify the main types of migration flows:

- Migration for the purpose of returning to one's historical homeland;
- Migration for the purpose of family reunification;
- Student migration;
- Labour migration;
- Migration for humanitarian or political reasons.

145. The aim of Act of 24 November 2015 amending certain legislative instruments on migration and employment is to integrate Kazakhstan into the international labour market, attract highly qualified foreign workers, protect the national labour market, ensure equal conditions throughout the country for the return, settlement and social protection of ethnic

Kazakhs, depending on the region in which they settle, and promote the settlement of returnees (*oralmans*) in priority regions.

146. In the context of the obligations assumed by Kazakhstan on ratification of the 1951 Convention relating to the Status of Refugees, the Refugee Act was adopted on 4 December 2009. Its main objective is to establish a system to regulate the procedure for granting asylum and refugee status to foreign nationals and stateless persons. The Act clearly sets out the rights of refugees and asylum seekers. For example, refugees and asylum seekers are fully entitled to medical treatment and freedom of labour or entrepreneurial activity in accordance with national legislation, as well as to judicial protection of their property and personal non-property benefits and rights.

147. Under the Targeted Social Assistance Act of 17 July 2001, foreign nationals and stateless persons who have been issued with a residence permit or reside permanently in the country and have incomes below the poverty line have the right to targeted social assistance.

148. The Act amending Certain Legislative Instruments on Labour Migration has been implemented since 12 April 2014. Since then, migrant workers have been issued with permits allowing them to work for individuals, which means that they themselves can find work with individuals and pay taxes (Ministry of Internal Affairs Order of 8 February 2014 approving rules for the issuance, extension and withdrawal of permits to migrant workers, as well as the registration, processing and maintenance of fingerprint and photograph records on such workers).

149. As of 1 January 2016, the internal affairs agencies had issued 141,254 permits allowing immigrants to work for individuals.

150. The Constitution establishes that foreign nationals and stateless persons residing permanently in Kazakhstan have a right to education.

151. Article 8 of the Education Act sets forth State guarantees in the sphere of education. Citizens of Kazakhstan receive free preschool, primary, basic secondary and general secondary education.

152. Foreign nationals and stateless persons residing permanently in the country enjoy this same right to receive preschool, primary, basic secondary and general secondary education, as do persons who have entered Kazakhstan for the purpose of family reunification.

153. Article 28 of the Convention on the Rights of the Child concerning the right of migrant children to education is implemented in accordance with the legislation in force.

154. In 2015/16, there were 3,402 migrant children who had come from other countries studying in the country's general education schools, according to reporting information provided by the education authorities.

155. The largest numbers of migrant children live in the cities of Almaty (1,423) and Astana (351) and the provinces of Southern Kazakhstan (418), West Kazakhstan (331), Karaganda (235) and Zhambyl (111).

156. The children of foreign nationals are admitted to educational institutions in accordance with Ministry of Education and Science Order No. 498 of 28 August 2012 approving rules governing the preschool, primary, basic secondary and general secondary education of foreign nationals and stateless persons residing permanently in the country.

157. The children of foreign nationals and stateless persons residing permanently in Kazakhstan are admitted to educational institutions on the same basis and enjoy the same rights as citizens, as do the children of persons residing temporarily in the country (refugees, asylum seekers, consular officials, the staff of diplomatic missions and labour migrants working in Kazakhstan in accordance with migration legislation).

158. In the 2013/14 academic year, in all schools, the personal files of the children of foreign nationals and stateless persons were checked and brought into line with requirements. Measures have been taken to coordinate with the migration authorities to ensure the timely production of lists of the foreign nationals who have entered the country according to the available database.

159. The education authorities constantly monitor the realization of the right to education for children who are not citizens of Kazakhstan and the fulfilment of their educational needs.

160. Pursuant to articles 28, 31 and 35 of the Migration Act, immigrants to Kazakhstan must be covered by the mandatory medical insurance.

161. In accordance with article 88 (5) of the Code on Public Health and the Health-care System of 18 September 2009, foreign nationals and stateless persons in the country have the right to a guaranteed amount of free medical care if they contract a serious disease that poses a risk to others, as identified on the list of such diseases compiled by the Government, unless otherwise stipulated in the international agreements ratified by Kazakhstan.

162. Once the risk to the immigrant's life or to the health of others has been eliminated, planned medical care is provided to immigrants on a paid basis, to be covered by their country of origin, the patients themselves, insurance companies or charitable contributions and donations from organizations.

163. The Ministry of Health has developed and approved the following orders in accordance with article 12 of the Migration Act:

(1) Order No. 664 of 30 September 2011 approving the list of the diseases for which foreign nationals and stateless persons are refused entry to the Republic of Kazakhstan;

(2) Order No. 665 of 30 September 2011 approving rules governing the medical care of immigrants.

Recommendations 15 and 19

164. The implementation of the Gender Equality Strategy for 2006–2016 achieved significant results.

165. The adoption of the Strategy represented an important step on the country's journey to becoming a highly politically aware and civically active society with a well-developed institutional basis on which the gender balance can be improved, women's socioeconomic and political opportunities can be expanded, the health of the nation can be strengthened and the conditions for the spiritual and moral development of society can be created.

166. Gender equality is one of the main components of social modernization, as equal opportunities are critical to ensuring women's active participation in political, economic and social life.

167. The timely adoption of temporary special measures has also contributed to women's political advancement. For example, on the instructions of Head of State, an action plan for the period up to 2016 was adopted to promote the highest qualified women to decision-making positions.

168. As noted in the recent Global Gender Gap Report, which is prepared annually by the World Economic Forum, there are good opportunities available to women in Kazakhstan in the economic, political and other spheres.

169. Women now play an increasingly active role in civic life, and women's non-governmental organizations are active.

170. Kazakhstan has ratified 12 international agreements on gender equality and has acceded to the four fundamental United Nations instruments on gender equality, namely the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Declaration on the Elimination of Violence against Women (1993), the Beijing Declaration and Platform for Action (1995) and Transforming our world: the 2030 Agenda for Sustainable Development (2015).

171. Gender policy will be developed further through the implementation of the family and gender policy framework for the period up to 2030, approved by Presidential Decree No. 384 of 6 December 2016. The framework is based on the Constitution, the Kazakhstan 2050 Strategy, the "100 Concrete Steps" national plan, the framework for making

Kazakhstan one of the 30 most developed States, the United Nations Convention on the Elimination of All Forms of Discrimination against Women, the Sustainable Development Goals and other international agreements and treaties that have been ratified.

172. Women's rights receive prominent and widespread national and regional media coverage. In 2015, 1,118 items on gender policy appeared in the media, including, at the national level, 589 pieces on television, 369 articles in the print media, 730 publications on the Internet, and, at the regional level, 657 pieces on television, 796 articles in the print media and 177 articles on the Internet.

173. Measures are currently being taken to promote employment, including through the development of women's entrepreneurship.

174. The 2020 employment road map programme has been implemented since 2011 to increase the employment rate, promote prosperity and reduce unemployment.

175. The programme has given unemployed and self-employed persons the opportunity to take part in active measures to promote employment and the uptake of State support. Women were among the target groups granted priority access to participation in the programme.

176. The programme has three areas of implementation:

- Increasing employment through the development of infrastructure, housing and public services;
- Creating jobs through the development of entrepreneurship and hub villages;
- Helping people to find jobs by means of training and relocation, as required by employers.

177. Since its implementation, almost 948,000 persons, including more than 290,700 women (48.7 per cent), have participated.

178. Since 2015, 1,926 women have been awarded small loans: 1,102 of them to open a business for the first time, and the others to expand an existing business. They have created permanent positions for a further 873 women.

179. The programme helped a total of 49,800 women to find work in 2015.

180. The logical continuation of the programme was a new programme for the development of productive employment and mass entrepreneurship for 2017–2021, approved by government order on 29 December 2016.

181. The new programme will promote the inclusion of unemployed and self-employed persons, including women, in training, small loans programmes and job-creation schemes.

182. Equal pay for equal labour for men and women is a basic tenet of human rights. This principle is set forth in the Constitution (art. 24 (2)), which stipulates that citizens have the right to remuneration for labour without any discrimination. This requirement is general in nature in that it applies to all persons, regardless of the field in which they work. In fact, discrimination in any form is prohibited (Constitution, art. 14).

183. Pursuant to article 6 of the Labour Code, no one may be subjected to any discrimination in the realization of their labour rights on grounds of origin, social, official or property status, sex, race, ethnicity, language, attitude to religion, beliefs, place of residence, age, disability status or membership of voluntary organizations. This shows that Kazakhstan guarantees equal pay for work of equal value.

184. Distinctions, exceptions, preferences and restrictions that are deemed to be inherent requirements of a given job or that stem from the State's special concern for persons requiring enhanced social and legal protection do not constitute discrimination.

185. Persons who consider that they have been subjected to discrimination at work are entitled to submit complaints to the courts or to other bodies in accordance with the procedure established by law.

186. The principle of gender equality is now respected at every educational level. In 2012, four higher education institutions were given 12 million tenge in grants to conduct research with a view to ensuring the gradual inclusion of a gender component in educational programmes.

187. In the academic years spanning the period 2010–2016, girls made up more than 50 per cent of pupils in the country's general education schools.

188. Regardless of their sex, all students have equal rights to participate in economic, social and cultural activities.

189. The average nominal monthly wage of a worker in 2015 was 126,000 tenge, which represents 162.4 per cent of the figure for 2010, according to official data supplied by the Statistics Committee under the Ministry of National Economy. It was 151,700 tenge for men (an increase of 63.4 per cent on 2010) and 99,900 tenge for women (an increase of 63.1 per cent on 2010).

190. In 2015, women's wages amounted to 65.9 per cent of men's. This is due in large part to the fact that women mostly work in such sectors as education, health care and social services, in which wages are lower than in industry.

191. Men, on the other hand, mostly work in such sectors as industry (oil and gas, mining and manufacturing), transport and construction, in which working conditions are generally harsh (hazardous), wages are higher than the national average and the employment of women is prohibited, owing to the harsh and hazardous conditions.

192. The list of jobs in which the employment of women is prohibited is planned to be updated within the new family and gender policy framework for the period up to 2030, as part of its strategic axis on gender equality in the economy.

193. The implementation of these initiatives is essential to achieving the main aims of the International Labour Organization conventions ratified by Kazakhstan and the provisions of national legislation concerning the gender wage gap, which is due in part to legislatively established restrictions on the employment of women in certain professions and types of work.

194. The fact that existing legislation is in line with international standards allowed Kazakhstan to ratify a number of international agreements.

195. The ILO Equal Remuneration Convention, 1951 (No. 100) was ratified in 2000.

196. In implementation of the Gender Equality Strategy for 2006–2016, the ILO Maternity Protection Convention, 2000 (No. 183) and Workers with Family Responsibilities Convention, 1981 (No. 156) were ratified on 14 February 2012 and 16 November 2012, respectively.

197. The State Labour Inspectorate was set up to protect the labour rights of workers and to prevent and suppress violations of legislation on labour and labour protection, including those involving discrimination in the realization of labour rights on the basis of sex.

198. In 2015, State labour inspectors conducted 11,421 inspections and identified more than 19,600 violations of labour legislation, including 14,675 relating to labour relations, 4,440 relating to labour safety and protection and 472 relating to employment.

199. Over this period, there were no recorded violations involving discrimination on the basis of sex.

Recommendation 16

200. Pursuant to article 44 (1) of the Criminal Code, restriction of liberty involves the probationary monitoring of the convicted person for a term of between 1 and 7 years while he or she performs forced labour in places determined by the local executive authorities for 240 hours a year for the duration of the sentence. Persons sentenced to restriction of liberty serve the sentence at their place of residence and are not separated from society. Persons sentenced to restriction of liberty who are minors, pregnant women, women with children aged under 3 years, men raising children aged under 3 years on their own, women aged 58

years and over, men aged 60 years and over and persons with disabilities of the first or second categories do not perform forced labour. If a sentence of restriction of liberty replaces another sentence, it cannot be imposed for a term of 1 year or longer and cannot involve forced labour. Persons convicted to restriction of liberty perform forced labour for a maximum of 4 hours a day, either during time in which they are released from their labour duties at their principal place of work and have their position held for them or during time in which they are not studying, or, if they do not have a principal place of work and are not engaged in study, for a maximum of 8 hours a day and no longer than 40 hours a week.

201. Article 63 (2) of the Penal Enforcement Code stipulates that the local executive authorities organize forced labour for persons sentenced to restriction of liberty in accordance with articles 57 to 59 of the Code.

202. This is the manner in which the national legislation regulates forced labour.

203. It should be noted that the practice of other countries shows that the imposition by a court of a sentence of forced labour is more acceptable and humane, brings greater benefit to society and to the State, is more effective, does not undermine the principle of punishment and reflects a liberalization of criminal legislation.

Recommendation 17

204. Every year, the Statistics Committee under the Ministry of National Economy calculates the share of the gross domestic product (GDP) accounted for by the non-observed economy.

205. Following a study of the types of non-observed economy identified in the Eurostat tabular approach, it was decided that, for the Republic of Kazakhstan, the size of the non-observed economy should be calculated on the basis of components N1, N2, N3, N6 and N7a:

- Component N1: output of unregistered producers;
- Component N2: output of producers deliberately not registering (illegal activity);
- Component N3: informal sector output;
- Component N6: output of producers deliberately misreporting;
- Component N7a: output of producers for whom data are incomplete, not collected or not directly collectable.

206. N3, informal sector output, is calculated on the basis of the gross output of producers in the informal sector (household output).

207. N3 includes producers that are not required by law to register. This category includes households that produce goods for their own consumption, their own capital formation or the construction of and repairs to dwellings, as well as producers who have some market output, but one that is below the level at which the producer is expected to register as an entrepreneur.

208. All calculations concerning the non-observed economy, including the informal sector, are made in accordance with the national classification of economic activities (Civil Code, March 2007).

209. Essential information on the non-observed (black) economy is freely available on the Statistics Committee's official website, www.stat.gov.kz, in the "National Accounts" statistical handbook and on the "National Accounts"/"Integrated Accounts" page.

210. No data are collected on the size of the informal sector disaggregated by sex or by urban/rural area.

211. The average nominal monthly wage of a single worker in 2015 was 126,000 tenge, which represents 162.4 per cent of the figure for 2010, according to official data supplied by the Statistics Committee under the Ministry of National Economy. It was 151,700 tenge for men (an increase of 63.4 per cent on 2010) and 99,900 tenge for women (an increase of 63.1 per cent on 2010).

212. In 2015, women's wages amounted to 65.9 per cent of men's. This is due in large part to the fact that women mostly work in such sectors as education, health care and social services, in which wages are lower than in industry.

213. Data on the number of persons in informal employment have been collected annually since 2005. The data, disaggregated by sex, location and other factors, is freely accessible on the Statistics Committee's website, www.stat.gov.kz, in the section entitled "Official statistics"/"Labour".

214. In 2015, 8.6 million persons were in work. Of the total number of persons in work, 4.9 million lived in urban areas (56.7 per cent), and 4.2 million (48.4 per cent) were women.

215. Preliminary information suggests that 23 per cent of persons in work are in the informal sector.

Formal and informal employment of young people

216. Some 319,400, or 25.3 per cent, of persons aged 15 to 24 years — which is around a quarter of all young people of that age in the labour market — work in the informal sector. The proportion of persons aged 25–34 years who work in the informal sector is smaller, at 21.3 per cent.

Formal and informal employment of persons of pre-pensionable age and of older persons

217. According to the data, 781,000 persons aged 55–64 years are in work, including 208,800 persons in the informal sector (26.7 per cent). There are 62,000 persons aged 65 years and over in work, but, at 72 per cent, the proportion working in the informal sector is larger than is the case for other age groups.

218. The main sector of employment for persons aged 55–64 years is the informal sector; for those aged 65 years and over, it is household production for the sole purpose of personal consumption.

219. Annex 3 contains information on the number of persons in employment (in thousands) for the period 2010–2015.

Recommendation 18

220. The Labour Code stipulates that the minimum wage cannot be lower than the minimum subsistence level and does not include any premiums, allowances, compensatory or social payments, bonuses or other incentive payments; it is paid in proportion to the hours worked.

221. The minimum subsistence level, which applies to the country as a whole and is set annually under the law on the national budget for the relevant financial year with adjustments for inflation (Minimum Social Standards and Their Guarantees Act, art. 17 (1)), is the minimum cash per capita income and is equal in value to the basic consumer basket, which consists of the minimum selection of food items, goods and services required to support a person, in both physical and monetary terms.

222. The minimum subsistence level consists of:

(1) A food basket: 60 per cent of the minimum subsistence level;

(2) A fixed proportion of spending on non-food goods and services: 40 per cent of the minimum subsistence level.

223. The food basket currently consists of 43 food items, which provide a daily energy value of 2,175 kcal for one person.

224. The proportion of spending on non-food goods and services is determined by a joint order issued by the competent authorities for State statistics and social protection in relation to the value of the basic consumer basket.

225. It should be noted that the food basket is put together in accordance with the recommendations of the Nutrition Institute and meets the nutritional requirements

established by the Food and Agriculture Organization of the United Nations and by the World Health Organization (WHO).

226. Thus, the minimum wage is currently sufficient to meet the basic needs of only the worker, and one rate is set for the entire country with no difference between urban and rural areas.

227. In the Republic of Kazakhstan, the minimum wage is set and paid in accordance with the Constitution and the Labour Code (art. 1). It is a guaranteed minimum cash payment for workers who perform simple, unskilled (the least complex) labour, who fulfil the labour standards (labour duties) under normal conditions and who work normal monthly hours, as established in the Labour Code.

228. In this way, the minimum wage, which is set annually under the law on the national budget, is guaranteed by the State and must be respected by employers.

229. Since 1 January 2017, the minimum wage has been set at 24,459 tenge, which represents an increase of 63.6 per cent since 2010, when it was 14,952 tenge.

Recommendation 20

230. Article 107 of the Labour Code stipulates that wages and incentives are set under the terms of the collective agreement, the employment contract and/or the employer's regulations.

231. The payment terms set forth in labour and collective bargaining agreements, contracts and employers' regulations cannot be worse than the terms set forth in the Labour Code and other legislative acts. The payment system is determined by relevant laws and regulations, and wages are set for all categories according to the same principles: they depend on the worker's qualifications, the complexity, amount and quality of the work, and the conditions in which it is performed.

232. The Labour Code also stipulates that labour rights cannot be restricted on grounds of origin, social, official or property status, sex, race, ethnicity, language, attitude to religion, beliefs, place of residence, age, disability status or membership of voluntary organizations.

233. Workers who occupy the same position and perform work of the same complexity are paid in accordance with the aforementioned criteria, regardless of their citizenship.

Recommendation 21

234. The ILO Safety and Health in Construction Convention, 1988 (No. 167) was ratified on 19 June 2007.

235. The Convention applies to all construction activities, namely building, civil engineering, and erection and dismantling work, including any process, operation or transport on a construction site, from the preparation of the site to the completion of the project.

236. Article 4 of the Convention stipulates that each State that ratifies the Convention undertakes that it will, on the basis of an assessment of the safety and health hazards involved, adopt and maintain in force laws or regulations which ensure the application of the provisions of the Convention.

237. Organizations concerned with the design and planning of a construction project shall take into account the safety and health of the construction workers in accordance with national laws, regulations and practice.

238. In addition, the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), was ratified on 20 October 2014.

239. In accordance with the Act of 29 September 2014 on amendments to certain legislative instruments concerning the distribution of powers across the levels of Government, the competent authority for labour was given the power to approve laws and regulations concerning:

- The procedure for training, educating and checking workers' knowledge regarding labour safety and protection;
- The procedure for assessing labour conditions at industrial installations;
- Standards for the issuance to workers of special clothing and individual protective equipment, milk and food of therapeutic or preventive value, to be paid for by the employer;
- Approval for model regulations on the labour safety and protection service in the organization.

240. All these laws and regulations are intended to create safe labour conditions and prevent and reduce the number of occupational accidents.

241. In order to prevent the risk of violations of labour rights, the Labour Code was supplemented with other forms of State oversight, namely visits to the entity under inspection and requests for essential information. These other forms are preventive in nature and do not involve the initiation of administrative proceedings, but the means of remedying the violation must be communicated to the entity under inspection.

242. By Ministry of Labour and Social Protection Order No. 905 of 30 November 2015 and Ministry of National Economy Order No. 763 of 10 December 2015, a joint order was signed approving criteria for monitoring visits, as part of which State labour inspectors will carry out other forms of monitoring and oversight.

243. Monitoring visits will be conducted without prior notification and or registration with the competent authority for legal statistics and special records.

244. Moreover, article 148 of the Entrepreneurial Code provides for a reduction in the period for conducting inspections to determine compliance with national legislation on labour and labour safety and protection at construction sites, in line with their technical complexity, from 30 days to:

- No more than five days and with an extension of up to five further days for sites that are technically complex;
- No more than four hours of the working day and with an extension of up to eight hours of the working day for sites that are not technically complex.

245. Over the last five years, more than 2,000 workers have sustained injuries annually, 300 of them fatally.

246. However, occupational injuries have become less frequent in recent years.

247. The number of persons who sustained occupational injuries fell by 20 per cent, from 2,179 in 2010 to 1,723 in 2015, and the number of persons who died in occupational accidents fell by 31.2 per cent from 365 to 251 over the same period.

Recommendation 22

248. In its article 24 (3), the Constitution recognizes the right to individual and collective labour disputes, including the right to strike, and the use of the means established by law to settle them.

249. Chapter 15 of the Labour Code lays out the procedure for the consideration of individual labour disputes, under which an employee has the exclusive right to choose to apply to a conciliation commission for settlement of a controversial situation or to settle the dispute through the judicial process.

250. The conciliation commission is made up of an equal number of employer and worker representatives from the organization by agreement between the parties.

251. The procedure for the consideration of collective labour disputes is governed under chapter 16 of the Labour Code.

252. Article 163 of the Labour Code sets the time limits for disputes to be settled, requirements to be met, measures to be taken for their implementation and for decisions and proposals to be communicated to employees.

253. In general, the structure and content of the current Labour Code help to achieve a balance between the interests of workers and those of employers and to ensure that there is a civilized procedure in the country for building and regulating labour relations, including through the resolution of disputes.

254. That said, pursuant to article 39 (1) of the Constitution, restrictions may be placed on human rights and freedoms and civil rights, but only in accordance with legislation and to the extent necessary to maintain the constitutional system, preserve public order and protect human rights and freedoms and public health and morals.

255. Under the Civil Service Act, a civil servant is a citizen of Kazakhstan who is carrying out official duties in a government body in accordance with the law, is paid from the national or local government budgets or from the resources of the National Bank and exercises official powers in the implementation of the tasks and functions of the State.

256. The Act places restrictions on civil servants taking part in strikes.

257. The Law Enforcement Service Act provides that officers of the law enforcement services may not engage in actions such as strikes that impede the proper functioning of government bodies or the conduct of their duties.

258. Pursuant to article 176 (2) of the Labour Code, a strike may take place in an organization that provides rail transport, civil aviation, health care or public services (such as public transport, water, electricity, heating or communications), if services deemed necessary to the public, as agreed beforehand with the local authorities, are maintained in their required scope.

259. In such a case, the minimum services required are defined with the direct participation of the organizers of the strike.

260. The aim of this restriction is to guarantee the constitutional rights and interests of the rest of the population not involved in local strikes, which must be taken into consideration by the strike organizers.

261. Pursuant to article 176 (1) (1) of the Labour Code, any strike in organizations defined as dangerous production facilities is prohibited.

262. The list of entities considered to be dangerous production facilities can be found in articles 70 and 71 of the Civil Protection Act of 14 April 2014.

263. These provisions do not contravene the ILO conventions: as noted by the ILO Committee of Experts, the prohibition of strikes in organizations conducting hazardous industrial activities is, in some cases, subject to national legislation.

264. Although the right to strike is an inseparable part of the right of association, as enshrined in ILO Convention No. 87, the Committee of Experts stresses that "the right to strike may not be absolute" and that restrictions on, and the prohibition of, strikes in sectors of vital importance are necessary where the interruption of work "endangers the life, safety or health of the whole or part of the population".

265. Article 172 (2) of the Labour Code has been amended to eliminate the requirement that the duration of a strike must be indicated in the decision giving notice of the strike.

266. These provisions create conditions in which workers can effectively assert their demands.

Recommendation 23

267. Under article 1 (12) of the Mandatory Social Insurance Act, self-employed persons are defined (in respect of the Act) as individual entrepreneurs, private bailiffs, lawyers or professional mediators who find their own income-earning work.

268. In the context of peasant (family) production units that apply the special fiscal regime, self-employed persons are defined as individual entrepreneurs who are heads or adult members of peasant (family) production units from the beginning of the calendar year following the year in which they attain the age of majority.

269. The standards governing mandatory social insurance for self-employed persons are thus laid down in the legislation in force.

270. Under the country's Strategic Development Plan to 2020, approved by Presidential Decree No. 922 of 1 February 2010, one of the indicators used to assess the strength of social stability is whether 40 per cent of self-employed persons are covered by the defined contribution retirement pension system by 2020.

271. That indicator will be attained in the context of Act No. 412-5 of 18 November 2015 amending legislation on the declaration of income and assets by individuals, specifically with the move to universal declaration of income, improvements to the defined contribution retirement pension system and increased public confidence in the system.

272. In connection with the accession of Kazakhstan to the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) of 4 June 1952, it has been decided to postpone consideration of whether national legislation should be brought into line with the Convention.

Recommendation 24

273. The new Pensions Act, adopted in 2013 with the aim of modernizing the pension system, has brought:

(1) The introduction of the single defined contribution pension fund, in which all individual pension savings are accumulated (7.0 trillion tenge as of 1 June 2017);

(2) Mandatory 5 per cent occupational pension contributions for workers employed in hazardous or extremely hazardous working conditions (116.3 billion tenge in 412,000 accounts as of 1 June 2017);

(3) From 1 January 2014, funding for up to one year of mandatory pension contributions for working women on childcare leave (13.7 billion tenge allocated from the State budget for this purpose between 2014 and 1 June 2017).

274. Changes to pension legislation were introduced on 2 August 2015 in implementation of the framework for the further modernization of the pension system to 2030, approved by Presidential Decree of 18 June 2014. They include amendments to the procedure for the allocation of basic State pensions.

275. From 1 July 2018, the basic pension will be set on the basis of years of participation in the pension system only when the worker reaches retirement age (58–63/63).

276. The calculation includes not only the years of employment as at 1 January 1998, but also the years of participation in the defined contribution retirement pension system and years taken out of work to care for children or to accompany spouses living abroad where it was not possible to find employment, etc.

277. If a person has been employed for less than 10 years or not at all, the basic pension will be equivalent to 54 per cent of the minimum subsistence level. For each qualifying year above 10, the basic pension will increase by 2 per cent and, at 33 years or more, it will be 100 per cent of the minimum subsistence level (74 per cent at 20 years and 94 per cent at 30 years).

278. These changes will, firstly, make it possible to restore social justice for those pensioners who may have worked for many years but do not have the necessary information on their earnings and so receive low pensions and, secondly, to encourage the present and future generations of workers to ensure that their employment is formally registered.

279. To increase the role of employers in pension provision, there are plans for the introduction, from 1 January 2020, of a new notional defined-contribution component in the pension system: an additional 5 per cent in mandatory employer pension contributions.

280. These contributions will be recorded in each employee's notional pension account opened in the pension fund.

281. As of 1 June 2017, the basic state pension was 12,802 tenge, which is 2.14 times its 2010 level of 5,981 tenge. As at 1 January 2010, 1,683,954 persons were in receipt of the basic pension; that figure had risen by 20.0 per cent, to 2,103,806, by 1 June 2017.

282. The minimum pension was 28,148 tenge as at 1 June 2017, or 2.3 times the 2010 figure of 12,344 tenge.

283. The basic and minimum pensions are approved each year under the National Budget Act, the amount being the same for all recipients, irrespective of household composition, income, gender or other criteria. No statistics are kept on recipients of basic and minimum pensions in respect of family composition, gender or income.

Recommendation 25

284. The Domestic Violence Prevention Act was adopted in December 2009.

285. Protective injunctions and special offender behaviour requirements were introduced as a new administrative measure in respect of perpetrators of domestic violence. Violation of protective injunctions was established as an administrative offence.

286. However, the implementation of the Domestic Violence Prevention Act has raised a number of issues, including the following:

(1) The short operational period of a protective injunction (10 days) is insufficient in terms of its preventive effect on the offender, who ceases to be monitored by the internal affairs authorities once it expires;

(2) In remote rural districts in particular, it is not always possible to bring offenders into the district police station for protective injunctions to be issued, which makes it more difficult to apply emergency measures to protect the victims.

287. In light of the above, on 18 February 2014, the Head of State signed an Act amending legislation on the prevention of domestic violence.

288. The Act empowers district police and juvenile affairs officers to impose protective orders without superior authorization, to ensure the timely protection of victims. The operational period of protective orders has also been increased from 10 to 30 days.

289. A new administrative measure has been introduced to prohibit a person who has committed domestic violence staying in the same accommodation as the victim if other accommodation is available.

290. Furthermore, since 2014, staff of the women's protection unit have taken comprehensive measures to prevent offences within the family.

291. Police units operate telephone helplines to assist women victims of domestic violence.

292. In 2014, the hotlines received over 10,000 calls, which were responded to appropriately.

293. In general, staff of the women's protection unit cooperate actively with NGOs in their activities.

294. They currently collaborate with more than 50 NGOs and crisis centres.

295. During the reporting period, 219 professionals (psychologists, lawyers and social workers) worked in the centres to help victims of violence.

296. The crisis centres have 212 telephone hotlines, which received more than 10,000 calls and inquiries from around 10,000 women in 2014.

297. The women's protection units received inquiries from over 31,000 women concerning abuses of their rights; more than 10,000 of them were referred to the crisis centres, which provided legal and psychological assistance.

298. Police officers referred another 1,500 women to the centres.

299. In 2015, 1,918 school police inspectors helped the education authorities by organizing around 65,000 lectures, round tables and seminars on legal topics.

300. Together with representatives of educational organizations and parents' associations, they carried out more than 9,000 raids, detecting 3,000 offences, and made home visits to around 8,000 adolescents registered on internal school records and over 5,000 dysfunctional families.

301. An employment campaign is conducted each year as a measure to prevent minors committing offences over the summer period and to provide employment for young persons registered on the preventive register or lists of the internal affairs agencies.

302. There is also an annual campaign entitled "16 days without violence against women", involving the relevant government agencies, NGOs, the public and the media.

303. Booklets and pamphlets are printed and distributed by police officers during mass gatherings and events.

304. For example, in Kokshetau, Akmola province, videos aimed at preventing domestic offences were shown on information screens.

Recommendation 26

305. Kazakhstan is taking significant measures to combat human trafficking.

306. Legislation is being developed to address the issue: Act No. 131-III of 2 March 2006 amending legislation on combating human trafficking, Act No. 354-IV of 23 November 2010 amending legislation on protecting the rights of the child and Act No. 127-V of 4 July 2013 amending legislation on combating human trafficking; Government Decisions adopted in 2004, 2006, 2009, 2012 and 2015 on plans of action to combat and prevent offences involving trafficking in persons for 2004–2005, 2006–2008, 2009–2011, 2012–2014 and 2015–2017; and a regulatory decision of the Supreme Court in 2012.

307. Under the action plans, criteria for assessing whether ill-treatment has occurred in the context of human trafficking and a standard governing the provision of special social services to victims of trafficking have been developed.

308. The Interdepartmental Commission for combating the illegal transfer of persons out of and into the country and trafficking in persons, an advisory body to the Government, is continuing its work.

309. In 2014, the Commission was placed under the executive responsibility of the State structures responsible for the two main areas of combating human trafficking — the Ministry of Internal Affairs for criminal prosecution and the Ministry of Labour for the rehabilitation of victims of human trafficking — on a two-year rotational basis, in order to improve its work.

310. Since offences in this category are classified as serious or especially serious and are committed by organized criminal groups, the organized crime departments have set up specialized human trafficking units, comprising very experienced police officers who undergo annual training, both in the country (Qaraghandy Academy training centre for specialists in combating illegal migration and trafficking in persons) and abroad.

311. Each year, around 300 criminal cases are brought for crimes related to trafficking in persons.

312. In 2015, the internal affairs agencies initiated 345 criminal cases, as follows, under the indicated articles of the Criminal Code:

- 1 under article 116 (forcible or unlawful removal of human organs or tissue);
- 2 under article 125 (3) (b) (abduction for the purpose of exploitation);

- 2 under article 126 (3) (2) (unlawful deprivation of liberty for the purpose of exploitation);
- 41 under article 128 (trafficking in persons);
- 18 under article 134 (enticement of a minor into prostitution);
- 46 under article 133 (trafficking in minors);
- 36 under article 270 (recruitment for prostitution);
- 199 under article 271 (establishment or maintenance of a brothel and procuring).

313. In 2016, the internal affairs authorities brought 345 criminal cases for offences related to human trafficking, including:

- 4 for kidnapping for the purpose of exploitation;
- 24 for unlawful deprivation of liberty for the purpose of exploitation;
- 24 for trafficking in persons;
- 12 for enticement of a minor into prostitution;
- 9 for trafficking in minors;
- 44 for enticement into prostitution;
- 228 for procurement and operating a brothel.

314. Close cooperation has also been established between State bodies and the non-governmental sector.

315. Representatives of NGOs now sit on national and regional commissions and councils (which work on issues related to combating the illegal transfer of persons out of and into the country and trafficking in persons; women's affairs and family and demographic policy; gender and the prevention of domestic violence), consultative and advisory boards of NGOs, the National Coordinating Council for Combating the Worst Forms of Child Labour, etc.

316. Memoranda of cooperation covering joint preventive measures have been signed with many of them.

317. Annex 4 presents information on the number of criminal proceedings brought for offences related to human trafficking in the period 2007–2015.

Recommendation 27

318. The education system includes 18 juvenile adaptation centres, staffed by teachers and psychologists who care for the children, help prevent neglect and homelessness among minors and help children in difficult circumstances. The centres provide family support services, community liaison offices and telephone helplines, through which parents and children are offered counselling and legal assistance by representatives of the United Nations Children's Fund (UNICEF), international NGOs and volunteers.

319. More than 6,000 adolescents are brought to the adaptation centres each year (6,237 in 2010, 4,805 in 2011, 5,994 in 2012, 6,467 in 2013, 6,299 in 2014 and 7,149 in 2015), around 5,000 of them (5,031 in 2010, 4,001 in 2011, 4,960 in 2012, 5,254 in 2013, 5,418 in 2014 and 6,397 in 2015) for reasons of neglect and homelessness.

320. As an ILO member State since 1993, Kazakhstan has pledged to respect, facilitate and implement, in accordance with the ILO Constitution, the principles related to fundamental rights, one of them being to effectively prohibit the worst forms of child labour.

321. To that end, Kazakhstan has ratified the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

322. The current legal framework in Kazakhstan is adequate to prevent child labour and includes mechanisms for ensuring compliance with the legislation on this issue; it also lays

out criminal and administrative liability for involving children in the worst forms of child labour.

323. On 23 November 2015, a new Labour Code which fully reflects the provisions of the Convention was adopted.

324. One of the fundamental principles of the country's labour legislation is the prohibition of forced labour and the worst forms of child labour (art. 4).

325. The age from which employment contracts may be signed is specified in the Labour Code so as to prevent the use of child labour.

326. On 8 December 2015, the Minister of Health and Social Development approved Order No. 944, listing the occupations barred to workers under 18 years of age. The list contains 103 general professions and types of work, including in agricultural production, in which persons under the age of 18 may not be employed.

327. In implementation of the instructions of the Head of State outlined in the message on the Kazakhstan 2050 strategy, which is aimed at improving legislation protecting the rights of minors, stronger penalties were introduced for crimes against children under the new Criminal Code of 3 July 2014.

328. For example, employers who violate the ban in the Labour Code on minors working jobs in which child labour is prohibited incur a fine of up to 200,000 times the monthly calculation index or deprivation of liberty for a term of up to 2 years.

329. In addition, the sentences provided for in the Criminal Code for violent acts of a sexual nature, the involvement of minors in criminal offences, etc., have been increased markedly, with lifelong bans introduced on the right to engage in certain activities.

330. Liability for labour-related offences has also been increased significantly under the new Code of Administrative Offences of 5 July 2014. In particular, where minors are employed without job contracts, the employer concerned is fined 50 times the monthly calculation index; small companies or non-profit organizations are fined 80 times, medium-sized enterprises 150 times and large businesses 200 times the index.

331. The Ministry of Labour has developed and, with the Government, is implementing a plan of activities for 2016–2017 on the elimination of the worst forms of child labour.

332. As part of this plan, research will be carried out jointly with ILO to obtain comprehensive information on child labour. The Ministry of Labour requested ILO to conduct the research in order to obtain an objective and independent assessment of the situation in respect of child labour.

333. Work to prevent and eliminate the worst forms of child labour is also part of the Government's action plan on preventing and combating offences related to trafficking in persons for 2015–2017, approved under Government Decision No. 23 of 28 January 2015.

334. In order to eliminate the worst forms of child labour and encourage the employment of minors from poor and disadvantaged families, a joint order was issued by the Ministries of Health and Social Development (No. 160 of 20 March 2015), Education and Science (No. 133 of 20 March 2015) and Internal Affairs (No. 269 of 27 March 2015) on cooperation between State and local authorities in promoting the employment of young persons aged 14 or over from poor and disadvantaged families, with the written consent of a parent, guardian or adoptive parent, during the holiday period on application to employment agencies registered with the Ministry of Internal Affairs.

335. The State has established legislative requirements in respect of child labour and therefore monitors compliance with them.

336. Checks by State labour inspectors in 2016 found 17 violations of labour legislation involving the employment of minors (in Almaty, Atyrau, East Kazakhstan, Zhambyl, Mangghystau, Qaraghandy, Qyzylorda, West Kazakhstan and North Kazakhstan provinces and the city of Almaty).

337. The inspectors found that employers do not give minors employment contracts and take them on without the written consent of a parent, guardian or adoptive parent.

338. In all the cases concerned, the employers were issued with instructions to address the violations and were charged with administrative offences.

339. A national information campaign entitled "12 days against child labour" is held in each region every year from 1 to 12 June, with the support of ILO.

340. The eleventh campaign was held between 1 and 12 June 2016, during the nationwide "Kazakstan Balalary-Nurly bolashak" event.

341. The Education Department works with representatives of the internal affairs authorities to carry out preventive activities in the regions, with the participation of NGOs. Several such activities, for instance, on children and night work or employment, have been held this year.

342. At the national level, the Coordinating Council for Combating the Worst Forms of Child Labour has been active since 2006; it includes government representatives and representatives of the National Chamber of Business, ILO and a number of NGOs (the Red Crescent Society, the Sana'a Sezim Legal Centre for Women's Initiatives, the Rodnik Social and Psychological Rehabilitation and Adaptation Centre for Women and Children, the Children's Fund of Kazakhstan, the Women's Intellectual Labour Union and the Union of Crisis Centres of Kazakhstan).

343. One significant achievement in eliminating the worst forms of child labour in Kazakhstan has been the exclusion of tobacco from the list of crops that may be cultivated using child labour (source: United States Department of Labor report).

344. Kazakhstan has worked to minimize the worst forms of child labour by bringing economic levers to bear on agricultural producers. For instance, in Almaty province, the company Philip Morris Kazakhstan has included conditions in its contracts with farmers (peasant households) to prevent the use of child labour or forced labour on tobacco plantations.

345. A similar mechanism is being used in South Kazakhstan province to combat the worst forms of child labour. The education departments and the agriculture and land departments of eight districts (Maqtaaral, Saryaghash, Kyzylkum, Otrar, Ordabasy, Baidibek, Kentau and Arys) have signed a memorandum of cooperation with the provincial Office for the Protection of Children's Rights, local trade unions and the provincial business chambers on cooperating to eliminate illegal use of labour, the core requirement being to work together throughout the system to prevent the worst forms of child labour.

346. There are no children living on the streets in Kazakhstan. The country has established a national model for protecting the rights of the child, with institutions and legislation that comply with international standards.

347. In accordance with national legislation, the State creates the necessary conditions for the full physical, psychological, moral and spiritual development of the child through a system of social and economic measures.

348. The fundamental right of every child to live and be raised in a family is realized.

349. The body responsible for children's rights implements government policy on protecting the rights of the child.

350. Secondary education is compulsory and, under article 30 of the Constitution, the country's citizens are guaranteed free secondary education in State educational establishments.

351. The State Programme for the Development of Education and Science for 2016–2019, approved under Presidential Decree No. 205 of 1 March 2016, provides for the various levels of education to cater for the country's children.

352. In 2016, 85.8 per cent of children between the ages of 3 and 6 years were enrolled in preschools.

353. The country's 7,449 State-run general education day schools were attended by 2,899,924 children. Data from local authorities show that 99.9 per cent of children of appropriate age were enrolled in secondary schools in 2016. Under the Vseobuch universal

education programmes, children who do not attending school are identified and then measures are taken to bring them back to the classroom.

194. Preventive activities such as "Teenager", "Saturday night", "Holidays", "Children and night work", "Teenagers, the law and security", "Employment" and "My police officer and me" are organized to stop young people getting into crime and address the issue of juvenile delinquency in the country.

195. The probation services work with minors who are serving suspended sentences.

196. The Ministry of Internal Affairs cooperates with State bodies and civil society organizations working in the framework of the Act on the Prevention of Juvenile Delinquency, Child Neglect and Homelessness on a series of measures in different areas aimed at preventing child neglect and homelessness and juvenile delinquency.

197. Crime prevention work is conducted by both the public authorities (Ministry of Internal Affairs, Ministry of Education and Science and their departments) and civil society (NGOs and parents' associations).

198. There are seven special educational institutions and one educational establishment with a special custodial regime that provide socio-psychological rehabilitation services for minors with behavioural issues.

Recommendation 28

199. As a result of the measures taken pursuant to the Presidential Instruction on improving social policy (annual increases in pensions and allowances in 2009–2011, raises in public-sector salaries, scholarships, etc.) and of the country's economic growth in recent years, there has been a positive trend in the proportion of the population with incomes below the subsistence level, which has fallen to less than half of its previous figure, from 6.5 per cent in 2010 to 2.7 per cent in 2015.

200. Against the backdrop of economic growth, there has been a 170 per cent increase in average per capita nominal monetary income over the past six years, from 38,779 tenge in 2010 to 67,112 tenge in 2015.

201. The stratification of society by income and the level of economic inequality are defined using special differentiation coefficients that describe the relationship between the incomes of the richest and the poorest population groups. One is the ratio of the wealth of the richest 10 per cent of the population to that of the poorest 10 per cent, which decreased by 1.6 times between 2001 and 2015, to 5.6.

202. Indices of the depth and severity of poverty are also used to obtain more precise information on the poor population. The depth of poverty decreased between 2001 and 2015 from 14.8 per cent to 0.3 per cent (49 times), and poverty severity fell from 6.5 per cent to 0.1 per cent (65 times).

203. The Gini index value using decile (10-per-cent) intervals for income groups fell 1.3 times from 0.366 in 2001, indicating clear inequality, to 0.278, or moderate inequality, in 2015.

204. Thus, the main macro indicators of social development are showing growth in both absolute and relative terms.

205. These indicators directly reflect the results of measures taken towards poverty reduction. For example, with the adoption of the Targeted Social Assistance Act in 2002, there was a 41-fold decrease in the number of recipients, and the cost of providing the assistance fell by 10.9 times (in 2016, there were 28,800 recipients, at a cost of 842.3 million tenge).

206. Since the introduction of the Act on State Benefits for Families with Children, the number of recipients of allowances for children under 18 years has fallen by 1.3 times. In 2016, a total of more than 11.3 billion tenge was paid in benefits for 576,100 children.

207. Since 2014, both active and passive measures have been taken to help create conditions in which persons in the poorest sectors of society can be brought into the labour

market. Those three tasks were effectively implemented through a pilot project with the World Bank introducing conditional cash transfers for individuals who have entered into a social contract that includes mandatory participation in active employment promotion measures, with the threshold for social assistance set at 60 per cent of the minimum subsistence level.

168. New approaches to social assistance are being tested in Akmola, East Kazakhstan and Zhambyl provinces, and another 38 pilot districts funded from local budgets were added to the list on 1 July 2015. Since 2016, the new approaches to targeted social assistance have been piloted in all regions of the country.

169. In 2016, 38,000 persons received a total of 1.8 million tenge in targeted social assistance. As a result, 8,700 persons, or 90.5 per cent of the total number of participants deemed fit for work in the 40-day pilot project, were included in active employment promotion, and the average per capita incomes of the participants have more than doubled compared to before the project.

170. Annex 5 gives statistical information on income inequality for 2010–2015.

Recommendation 29

171. Pursuant to article 15 of the Housing Act, when a residential house is being demolished in the context of the expropriation of land for State needs, the owner is provided with decent housing or compensation at the market value of the house before the demolition takes place.

172. If the value of the dwelling provided is higher than the value of the housing to be demolished, the owner is not charged the difference. If the value of the housing to be demolished is higher than that of the accommodation provided, the owner receives compensation for the difference.

173. According to article 100-1(4) of the Act, any citizens who have lived for at least 15 years in a house now set for demolition may, if they so wish, be given other decent housing in buildings on or near the site of the structures to be demolished. Until such housing is provided, the persons concerned are given temporary accommodation that meets the requirements of article 100-1(5).

174. Article 100-1(5) states that the housing provided must be habitable, located within the same residential locality and meet public health and technical standards.

175. Article 116 provides that, if a plot of land is expropriated for the needs of the State, an agreement may be reached between the developer responsible for the demolition and the owners or tenants of the housing in respect of the sale or rental of other newly built housing on the same or another plot to the former owners or tenants, to replace the housing that has been demolished.

176. In that case, the developer must provide the owners or tenants with decent housing that meets the requirements of article 75-1(1) of the Act and the owners or tenants of the accommodation to be demolished must vacate their premises by the time specified in the agreement. The agreement between the parties, other conditions and periods for the provision of decent housing, amounts of possible compensation, size of accommodation, number of storeys in the building, number of rooms, family composition and other conditions affecting the interests of the parties may be specified in the contract.

177. The accommodation may be provided for ownership or for use, as applicable. Until such times as appropriate housing is provided, persons who have been expropriated are with their consent housed in temporary accommodation that is situated within the locality and meets public health and technical standards. The cost of such temporary housing is met by the developer. If decent housing cannot be provided within the time specified in the contract, the developers will be required by court order to acquire, at their own cost, other housing for the expropriated owner or tenant that meets the requirements laid down in the terms of the agreement, and provide reparation for all damages caused by the breach of contractual obligations.

178. Pursuant to article 119-1 of the Act, in the case of compulsory expropriation of land in the capital city for the needs of the State, the owner of housing on the land concerned

may opt to receive compensation paid at the market value of the housing or other decent housing (apartment or house) of an effective area equal to that of the expropriated housing (apartment or house), if other preferential provisions are not laid down by law.

379. The former owners or tenants are given the ownership or rental of other newly built housing on the same land as that of the demolished housing or other land under the conditions of the contract only with the consent of the developer.

380. In accordance with article 8 of the Act, citizens and legal persons may be evicted from their current accommodation only on grounds established by law and in accordance with due process.

381. Following her visit to Kazakhstan in 2010, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Ms. R. Rolnik, made recommendations, including on the development of legislation to provide protection against forced evictions.

382. The Housing Act was amended on 29 December 2014 to prohibit evictions during the winter heating period of socially vulnerable persons on the compulsory termination of their ownership of their only accommodation in the country.

Recommendations 30 and 31

383. At the moment, Kazakh citizens may be offered State-owned housing or housing rented out by the local executive body on the private housing market.

384. During implementation of the Affordable Housing programme, which, as of 1 January 2015, became the Nurly Zhol Regional Development Programme to 2020, the budgets of the provinces and of Astana and Almaty municipalities received dedicated funds from the national budget for the construction of rental housing for persons on local authority housing lists in the amount of 91.6 billion tenge, of which: 10.8 billion tenge in 2010; 10.9 billion tenge in 2011; 19.6 billion tenge in 2012; 17.5 billion tenge in 2013; 18.9 billion tenge in 2014; 9.8 billion tenge in 2015; and 4.1 billion tenge in 2016.

385. A total of 1,136,800 square metres of accommodation have been brought into service, including: 150,000 square metres (2,478 apartments) in 2010; 120,500 square metres (2,006 apartments) in 2011; 151,500 square metres (2,617 apartments) in 2012; 250,600 square metres (4,246 apartments) in 2013; 210,700 square metres (3,781 apartments) in 2014; 150,200 square metres (2,457 apartments) in 2015; and 103,200 square metres (1,796 apartments) in 2016.

386. Thus, under article 68 of the Housing Act, State-owned housing or housing rented by the local authorities on the private market is provided to permanent residents of the locality who require accommodation. To be registered on the housing list in cities of national status, citizens must have been permanently resident there for at least three years. State-owned housing or housing rented by the local authorities on the private market is given to persons requiring accommodation who come under the following groups:

- Persons with disabilities and persons who took part in the Great Patriotic War;
- Orphans and children without parental care;
- The socially vulnerable population groups mentioned in article 68 (1-1)–(5) and (7)–(11) of the Act whose total average monthly income per family member over the 12 months prior to applying for accommodation was less than a ratio of 3.1 times the minimum subsistence level for the relevant financial year according to the National Budget Act (the coefficient of 3.1 times the subsistence minimum does not apply to children with disabilities);
- Government employees, employees of State-sector organizations, military personnel, candidate cosmonauts, cosmonauts, staff of special State bodies and holders of elected government posts;
- Citizens of Kazakhstan whose only accommodation has been classified as dangerous under national legislation.

387. Citizens in any of these categories may join the waiting list for accommodation from the public housing stock.

388. It should be noted that persons with disabilities, persons who took part in the Great Patriotic War, orphans and children without parental care have priority in the allocation of accommodation from the State-owned housing stock or housing rented by the local authorities on the private housing market.

389. The Akbulak programme was adopted in 2011 to provide public drinking water supplies and wastewater disposal services. By 2020, it is planned that the following proportions of the population will have access to the centralized public water supply:

- In 2011, 82 per cent of the urban population and 42.5 per cent of the rural population;
- In 2012, 84 per cent of the urban population and 43 per cent of the rural population;
- In 2013, 85 per cent of the urban population and 47.7 per cent of the rural population;
- In 2014, 86 per cent of the urban population and 50.3 per cent of the rural population;
- In 2015, 87 per cent of the urban population and 51.5 per cent of the rural population;
- In 2016, 88 per cent of the urban population and 52.3 per cent of the rural population;
- In 2017, 90 per cent of the urban population and 55 per cent of the rural population;
- In 2018, 93 per cent of the urban population and 58 per cent of the rural population;
- In 2019, 97 per cent of the urban population and 62 per cent of the rural population.

390. The work carried out means that the following proportions have access to wastewater disposal services:

- In 2011, 73 per cent of the urban population and 8.8 per cent of the rural population;
- In 2012, 75 per cent of the urban population and 8 per cent of the rural population;
- In 2013, 78 per cent of the urban population and 10 per cent of the rural population;
- In 2014, 81 per cent of the urban population and 11 per cent of the rural population;
- In 2015, 82 per cent of the urban population and 11 per cent of the rural population;
- In 2016, 84 per cent of the urban population and 11.2 per cent of the rural population.

391. Compared to the results for 2011, access to the centralized water supply has increased from 82 to 87 per cent of the population in cities and from 42.5 to 51.5 per cent of the rural population. The planned indicators for 2015 were achieved (87 per cent in cities; 51.5 per cent in villages). Two million persons thus have access to the centralized water supply system. Another 1.7 million persons or 21.7 per cent of the population use decentralized water sources. Of the country's 6,721 rural settlements, 3,469 or 51.5 per cent are connected to the centralized water supply.

392. In recent years, the Ombudsman has focused consistently on the problem of insolvent borrowers who have taken out mortgage loans, given the importance of that issue. Thus, the Ombudsman approached the First Deputy Prime Minister and the President of the National Bank on the subject of the right to adequate housing, reporting an increase in the number of complaints concerning forced evictions of borrowers from the only accommodation they had for failure to repay their mortgages and the long waiting periods for public housing.

393. The Ombudsman drew attention to the fact that complaints from citizens who find themselves in difficult circumstances and are unable to repay their bank loans on time should be considered on an individual basis, taking account of all the circumstances, with

the possibility of restructuring such loans with acceptable terms of settlement or other forms of support for socially vulnerable categories of the population. Violations of the basic human right of persons, including members of vulnerable groups, to an adequate standard of living are unacceptable.

394. The Ombudsman has also sent the relevant State bodies proposals for a bill on improving national legislation on forced evictions.

395. Bearing in mind the standards on non-interference in the operational activities of banks, in the first half of 2014, the National Bank contacted banks recommending the suspension of eviction procedures and of sales of borrowers' mortgaged housing, and the revocation of enforcement orders transmitted to bailiffs for debt collection through the sale of mortgaged housing.

396. At the request of the borrowers, weekly meetings are held between borrowers experiencing problems and bank representatives to work out a mutually acceptable restructuring of loans. Where possible, the banks offer favourable conditions for the repayment of loans by persons belonging to socially vulnerable groups (where borrowers confirm a possible minimum amount of monthly repayments). Each case is examined individually, on personal application from the borrowers to second-tier banks, backed up by all the supporting documentation.

397. In accordance with the Regional Development Programme to 2020, No. 728, approved by government decision of 28 June 2014, persons on the local authority housing list registered as requiring accommodation from the public housing stock are given priority in all areas. One hundred per cent of the housing construction by the Kazakhstan Mortgage Company is planned for persons on local authority waiting lists, as is 50 per cent of that of the housing savings system and 100 per cent in the case of the Samruk-Kazyn Real Estate Fund. Changes have been introduced to improve the arrangements for housing construction to alleviate the pressure on local authority housing waiting lists.

398. At the same time, to make mortgages more accessible, alternative lending facilities were introduced in 2000 through the housing savings system, which offers the advantage of housing loans for the amount required at rates ranging from 3.5 to 5 per cent per annum in tenge (effective annual rates of 4 per cent to 6.2 per cent).

399. Government housing construction programmes carried out under the housing savings system have encouraged individuals to join the savings system, with over 600,000 agreements now signed.

Recommendation 32

400. The Public Health and Health-Care Code of 18 September 2009 governs standards for the provision of medical and social assistance for persons suffering from mental disorders; they comply with international standards.

401. The Code enshrines the rights of the individual to apply voluntarily for psychiatric care, diagnosis and treatment, medical and social rehabilitation, and measures to guarantee the safety of specialized care and the procedure for initial examinations, including compulsory examinations carried out without the consent of the patient (by court decision).

402. In 2013, the principle of the National Preventive Mechanism was introduced, to form a system for the prevention of torture and other cruel, inhuman or degrading treatment or punishment; in their activities, the National Preventive Mechanism participants have the right to conduct planned visits to organizations holding persons with restrictions on their liberty, including psychiatric institutions.

403. Statistics are given in Annex 6.

Recommendation 33

404. Reproductive health care is addressed in such policy documents as the Strategic Development Plan to 2020, the strategy for the development of the Republic of Kazakhstan up to 2030, the Kazakhstan 2050 Strategy and the State programme for the development of health care for 2016–2019, "Densaulyk".

405. In order to prevent early pregnancy, the Ministry of Health has developed a road map for the promotion of citizens' reproductive health, which provides for sex education programmes for adolescents and young people based on WHO recommendations, including a training course and manual, methodological guidelines on hygiene training and sex education for girls and boys in organized groups (in secondary and higher education institutions), as well as programmes on sexually transmitted infections, HIV/AIDS and so forth.

406. In 2015, 81,440 abortions were recorded in the country, including 27 (0.04 per cent) among girls aged under 15 years and 1,069 (1.3 per cent) among girls aged 15 to 18 years. Compared with 2010, when the total number of abortions was 106,074, including 56 (0.06 per cent) among girls aged under 15 years and 3,256 (3 per cent) among girls aged 15 to 18 years, the number of abortions among adolescent girls fell by a factor of three.

407. Family health centres, youth-friendly clinics, youth health centres and health promotion centres have been set up at the primary health-care level to raise awareness of the importance of the family in contemporary society, reproductive health, family planning, the prevention of abortion, and family problems, in particular the problems of young and single-parent families. In 2016, there were 97 youth health centres and 478 family planning offices in the country.

408. Since 2011, the staffing standards for primary health-care institutions have included positions for social workers and psychologists, who work in families, offer advice and identify families in difficult circumstances, alongside the relevant authorities, in order to provide comprehensive care. There are currently more than 2,000 social workers and 1,000 psychologists.

409. Self-help training courses and support groups have been set up. A hotline (telephone number 150) has been set up to resolve urgent problems encountered by adolescents and young people.

410. To raise public awareness of reproductive health, publicity materials are being produced, NGOs are carrying out social projects, and a social project on reproductive health care, family planning, preparation for pregnancy, and the birth of healthy children through counselling and training for the population and medical workers continued to be implemented in 2015.

411. The country office of the United Nations Population Fund (UNFPA) in Kazakhstan developed a training manual for teachers at colleges and schools on the enhanced sexual and reproductive health component included in the syllabus for the science of healthy living.

412. In addition, the Ministry of Health road map for implementing and enhancing the effectiveness of the integrated obstetrics and childhood services model for 2016–2020 provides for joint measures with UNFPA to improve the family planning service and enhance the effectiveness of youth centres by offering free modern contraceptive methods to vulnerable groups of adolescents and young people and to women for whom pregnancy is absolutely contraindicated or carries a high social risk. In this connection, the Ministry of Health and local executive bodies will continue to cooperate with the support of international organizations.

Recommendation 34

413. The main factors influencing the development of the drug situation in the country are:

- Afghan heroin trafficking;
- The availability of the raw materials for plant-based drugs;
- The danger that new psychoactive substances and synthetic drugs might spread.

414. In addition, in the context of changes in Afghan drug trafficking routes, there has been a significant reduction in the transit of drugs along the "northern route".

415. The continued uncovering of drug-related crimes and withdrawal of drugs from illicit traffic have resulted in a steady reduction in the number of drug addicts.

416. These trends dictate the main courses of action taken by the authorities responsible for countering drug addiction and drug trafficking (information on the results of the operational activities of the Internal Affairs Department for the cities of Astana and Almaty, the provinces and transport over the period 2010–2015 is included in annex 7).

417. With the support of the Global Fund to Fight AIDS, Tuberculosis and Malaria, a pilot project was launched in October 2008 to provide substitution maintenance therapy for persons dependent on opioid drugs. The pilot project was launched at drug treatment centres in the cities of Pavlodar and Temirtau, and, since 2012, substitution maintenance therapy has been offered in the cities of Aktobe, Taraz, Kostanay, Oral, Ekibastuz, Semey, Karaganda and Öskemen.

418. The total number of patients seen since the launch of the programme in 2012 is 910 (738 men and 172 women). As of 2016, the total number of patients who have received substitution maintenance therapy is 307 (244 men and 63 women), which amounts to 1.6 per cent of all injecting drug users on the outpatient register.

Recommendation 35

419. Previously adopted policy documents, including the framework for the transition of the Republic of Kazakhstan to a green economy, approved by Presidential Decree No. 577 of 30 May 2013, continue to be implemented.

420. Work is under way on a plan of action providing for measures relating to the sustainable use of water resources, the development of sustainable and high-performance agriculture, energy saving and increased energy efficiency, the development of the electricity sector, the improvement of the waste management system and reduction of air pollution, the transition to environmentally friendly fuels for vehicles and the creation of the corresponding infrastructure, the introduction of emissions cleaning at thermal power plants, universal energy saving based on the latest production and domestic technologies, and State support for Kazakh science.

421. The Council for the Transition to a Green Economy was established by presidential decree on 26 May 2014.

422. To address the problem of municipal solid waste, the Government has adopted a programme for the modernization of the system for its management for 2014–2050, which is aimed at improving the system, increasing the efficiency, reliability and environmental and social acceptability of various measures for the collection, transportation, processing and burial of municipal solid waste, modernizing the municipal solid waste sector through the use of modern technologies and management methods and adopting measures to ensure strict compliance with the requirements of national environmental legislation.

423. The programme will facilitate a significant improvement in quality of life and living conditions. The priorities of the environmental protection sector are to enhance the effectiveness of State environmental monitoring and to identify and prevent violations of environmental legislation.

424. There are plans to equip hydrometerological networks further to increase the quality of the hydrometerological and environmental information available to the State and to the population.

425. Within the national legislative framework, a market mechanism is being developed to regulate greenhouse gas emissions through quotas, monitoring and reporting.

426. Kazakhstan is playing an active role in the negotiating process for the United Nations Framework Convention on Climate Change and is participating in the development of a new agreement.

427. Within the framework of the State Programme for the Development of Health Care in Kazakhstan for 2011–2015, "Salamatty Qazaqstan", the work being done to prevent the spread of environmental diseases was strengthened. Measures were taken to identify the number, age and sex of persons exposed to radiation, assess their health status and identify and rank health problems through radiation and hygiene monitoring. An automated State

scientific register of persons exposed to ionizing radiation as a result of the activities conducted at the Semipalatinsk Test Site was created.

428. The Scientific Research Institute for Radiation Medicine and Environmental Studies was founded in Semey to assess the health impact of exposure to radiation.

429. The rural population in the most affected regions of East Kazakhstan and Pavlodar provinces undergoes screening, which allows at-risk groups to be identified for further, in-depth examination and treatment in the Institute's rehabilitation unit.

430. Under the Act of 30 June 1992 on the social protection of victims of the environmental disaster in the Aral Sea region, victims of the disaster are guaranteed the following:

(1) Larger standard per capita allocations for the maintenance of medical institutions;

(2) Targeted medical equipment and medicines;

(3) Periodic comprehensive medical testing for the entire population of the region and medical and social care in all clinics, national medical centres and other medical institutions;

(4) Pensions with a multiplier of 1.3 to 1.5 applied, depending on the zone of residence, for persons who retired before 1 January 1998;

(5) Wages and grants with a multiplier of 1.2 to 1.5 applied, depending on the zone of residence, for living in environmentally unfavourable conditions;

(6) Additional paid annual leave (additional to the leave granted for work in hazardous conditions) of between 7 and 12 calendar days, depending on the zone.

431. Every year, in addition to being granted leave from work, they receive financial assistance for convalescence equal to the monthly wage rate or base salary, over and above the applicable payments.

432. The Act also grants persons affected by the disaster the right to acquire their housing free of charge.

433. Pensioners and persons with disabilities who live in the environmental disaster zone are given priority in the allocation of places in homes for older persons and persons with disabilities.

434. Because of the disaster, persons with category I or II disabilities are given priority in the allocation of housing at their new place of residence, with the exception of provincial centres, cities of national status and the capital.

435. The Act of 18 December 1992 on the social protection of victims of the nuclear tests conducted at the Semipalatinsk Test Site provides for the following for victims:

- A one-off State cash compensation payment for citizens who lived in zones exposed to radiation during the nuclear tests between 1949 and 1990 (in the period 2003–2016 alone, a total of 12.3 billion tenge was paid out to 640,300 citizens in one-off cash compensation payments);
- A pension supplement for citizens who retired before 1 January 1998 and who live in zones of extreme or maximum radiation risk;
- The right to draw one's pension before reaching the general pension age for persons who lived for at least five years in zones of extreme or maximum radiation between 1949 and 1963; a preferential retirement age of 50 years for men and 45 years for women;
- A monthly special State benefit of 6.19 monthly notional units (13,996 tenge in 2017) for persons who were direct participants in the nuclear tests and exercises;
- A monthly special State benefit of 7.55 monthly notional units (17,131 tenge in 2017) if there is a causal link between a disease or disability and exposure to radiation from the testing of nuclear weapons at the Semipalatinsk Test Site;

- A higher-rate State social disability benefit for persons whose disability is due to nuclear testing (51,609 tenge for a category I disability; 41,581 tenge for a category II disability; and 32,042 tenge for a category III disability).

436. Persons who have been recognized as victims and who live in the territory of the Semipalatinsk Test Site are entitled to additional wages of between one and two monthly notional units and additional annual leave of between 5 and 12 calendar days, depending on the zone in which they live.

437. Women living in areas affected by nuclear testing are entitled to maternity leave of 170 calendar days for a normal birth and 184 days for a birth with complications or the birth of two or more children.

438. Children and adolescents aged under 18 years who live in territories affected by nuclear testing are entitled to free convalescence (for medical reasons) in sanatoriums.

Recommendation 36

439. Within the framework of the State Programme for the Development of Health Care in Kazakhstan for 2011–2015, "Salamatty Qazaqstan", approved by Presidential Decree No. 1113 of 29 November 2010, an inter-sectoral health-care subprogramme on healthy lifestyles and the reduction of socially significant diseases associated with behavioural risk factors has been implemented since 2011.

440. Every year, more than one million interventions take place as part of information campaigns conducted to promote healthy lifestyles and to prevent risk factors and socially significant diseases, and each one reaches more than one million people.

441. The prevention of socially significant diseases and the promotion of healthy lifestyles are regularly covered in the national and regional media, for example at press conferences, on television and radio programmes, and in video and audio clips, including in public places (public transport, the corridors of health clinics, airports, etc.), as well as in published articles.

442. Since 2011, more than 1000 social projects have been implemented every year to raise awareness of the importance of preventing socially significant diseases and to promote health, with the involvement of more than 60 NGOs.

443. Since May 2012, a national telephone line, hotline 150, has been offering medical and psychological care to adolescents and young people in difficult circumstances. Callers from across the country can have a free consultation with a specialist in obstetrics and gynaecology or with a psychologist. Overall, 1,154,756 calls were received between 2012 and 2015; for the 19,809 calls that were assigned categories, psychological support was given to 16,131 callers; legal support to 2,298; and social support to 1,380. No specific category was assigned to 1,134,947 of the calls, and 215 were silent.

444. Modern innovative technologies are being introduced at the national and regional levels to improve the effectiveness of preventive measures in the light of international best practice.

445. Between 2011 and 2015, educational materials with a standard design and content were produced every year. In total, 72,053,849 copies of posters, booklets, leaflets and other materials were produced, as well as 3 training packs (a book and a 20-minute film), 44 video clips, 42 audio clips and 36 television broadcasts featuring well-known celebrities. There are live websites, including www.hls.kz, www.zhas-hls.kz and the websites of regional centres for the promotion of healthy lifestyles, and they are regularly updated. The Internet is being put to active use in the promotion of healthy lifestyles, and video clips are uploaded to the Ministry of Health website and www.youtube.com.

Recommendation 37

446. In accordance with article 4 of the Culture Act, one of the State's main tasks in the cultural arena is to ensure the accessibility of cultural values.

447. The accessibility of cultural products and services is a key priority of the cultural policy framework, which was approved by presidential decree on 4 November 2014.

448. In the cultural arena, most cultural organizations provide services free of charge or offer special benefits to ensure the accessibility of cultural events. For example, persons with disabilities are entitled to free tickets to the Auezov State Academic Kazakh Theatre, the Lermontov State Academic Russian Drama Theatre, the Musrepov State Academic Kazakh Theatre for Children and Young People, the Sats State Academic Russian Theatre for Children and Young People and the National German Drama Theatre.

449. Entry to the National Museum is free of charge for veterans of the Great Patriotic War, persons with disabilities, children of preschool age, orphaned children and mothers of large families.

450. Since 2005, the national library for blind and partially sighted persons in Almaty has published an Internet newsletter entitled *News* and a monthly compact disc (CD) newsletter entitled *My Way*. These publications are produced in a special font for blind and visually impaired persons.

451. In accordance with article 24 (6) of the Culture Act, the country's State libraries all provide distance and mobile services for persons with disabilities and older persons.

452. In 2015, approval was given for a minimum social standard on the accessibility to persons with disabilities of cultural events and shows organized by State cultural organizations. It covers access to concert halls, theatres, cultural and leisure centres, libraries, museums, reserves and circuses that receive government funding. In accordance with this rule, the entry of persons with category I and II disabilities and children aged under 18 years with disabilities is paid for from State funds, and persons with category III disabilities receive a discount of 50 per cent.

Recommendation 38

453. In order to position the Republic of Kazakhstan as one of the 30 most developed countries in the world, work must be continued to improve the country's position on the Global Competitiveness Index, in which maternal and child health is an important component.

454. WHO-recommended international technologies informed by evidence-based medicine are being put into practice to reduce the number of stillbirths and the infant mortality rate.

455. Various systemic measures continue to be implemented as part of the State programme for the development of health care for 2016–2019, "Densaulyk".

456. Regionalization has been an effective organizational technology. It has facilitated the widest possible use of technology in caring for pregnant women and newborns in accordance with the level of risk.

457. Pregnant women who have severe health problems or who give birth prematurely are transferred to perinatal centres, where high-level specialists resuscitate and care for premature and sick newborns, modern medical equipment is available, and expensive medicines are administered.

458. In 2011, a national air medical service was introduced to ensure the timeliness and accessibility of highly skilled emergency assistance. In 2015, 2,149 flights were made, 2,700 patients were seen, and 2,098 patients were transported, including 1,530 pregnant women and children (72 per cent).

459. An analysis of the body mass lost by babies and the shortening of their lifespans according to the BABIES matrix have made it possible to monitor infant mortality and identify problems so that management decisions can be taken and the appropriate medical services can be provided.

460. Effective international technologies, including the Safe Motherhood Programme and the Integrated Management of Childhood Illnesses, have been introduced.

461. Safe motherhood includes the following technologies: birth partners, free choice of position during childbirth, early mother-child contact, maintenance of the "warm chain", rooming-in and exclusive breastfeeding.

462. The national centre for coordinating the implementation of effective technologies has been operational for three years, and more than 80 per cent (a "critical mass") of medical workers in obstetrical and children's institutions have been trained in the use of such technologies.

463. Regional training centres have been set up in all regions to ensure the introduction of effective perinatal care and the integrated management of childhood illnesses with technical equipment. In the light of the introduction in Kazakhstan of the WHO-recommended criteria for live birth and stillbirth and of the structure of causes of maternal and child mortality in the country, the strengthening and improvement of the inpatient service has begun, as has the introduction of simple, cost-effective and accessible international technologies informed by evidence-based medicine, namely effective perinatal care and the integrated management of childhood illness.

464. Having identified a low level of awareness among low-income groups of the symptoms of health problems in children, the Ministry of Health is working with UNICEF and WHO on a large-scale campaign to raise awareness among mothers of how to care for children aged under 5 years.

465. An individualized child development checklist for children aged under 5 years, recommended for mothers, and a training manual on child nutrition and psychomotor development, recommended for nurses, were both produced in 2014, as were videos on the early warning signs of diseases in young children (for the general public) and the importance of breastfeeding. A training film on the nutrition of children aged under 5 years was made in conjunction with the Academy of Preventive Medicine, a voluntary association.

466. As part of the project, international consultants trained 80 regional coordinators, including 32 independent, accredited medical experts, in the implementation of WHO-recommended effective technologies.

467. More than 478 family planning offices have been opened in primary health-care institutions. Family health centres with departments for prevention and social and psychological care, 97 youth health centres and health promotion centres (schools for young mothers, reproductive health schools, special clubs and so forth) have been set up. The principle of "every pregnancy wanted, every birth safe" is promoted.

468. With a view to promoting healthy child development, work is under way to raise public awareness of children's health and nutrition and of breastfeeding hygiene and the benefits of breastfeeding; informational materials are being produced, and social projects are being implemented through NGOs. Some 82 per cent of children aged under 6 months are exclusively breastfed. The principles of healthy lifestyles, proper nutrition and physical activity are being promoted to improve the health of school-age children. Since 2017, medical services for schoolchildren have been brought under the health-care system.

469. In 2014, the first operation to remove a myocardial tumour from a beating heart was performed. Only four such operations have ever been performed worldwide, and endoscopic surgery to treat oesophageal atresia with tracheoesophageal fistula was performed on three children.

470. It should be emphasized that children receive inpatient and outpatient medical care involving advanced and expensive diagnostic and treatment methods free of charge.

471. Kazakhstan is the only country in the world that has provided free insulin pumps to children with diabetes. Children with rare genetic diseases are given lifelong, expensive drug therapy within the framework of the guaranteed amount of free medical care (Gaucher's disease, cystic fibrosis and mucopolysaccharidosis). Kazakhstan is known internationally as a country in which the vaccination of children is comprehensive and free of charge, and the 2010 multiple indicator cluster survey (MICS) put vaccination coverage at 97.5 per cent. Over the past seven years, State spending on vaccines has increased from 1

billion to 12 billion tenge. Since 2013, the Republic of Kazakhstan has switched to a less reactogenic but nevertheless high-efficacy vaccine against whooping cough, diphtheria and tetanus in order to reduce post-vaccination reactions. Consequently, over the last 20 years, the incidence of rubella fell by a factor of 291, hepatitis B among children by a factor of 135, diphtheria by a factor of 100, measles by a factor of 25 and whooping cough by a factor of 20. WHO has certified Kazakhstan as being free from poliomyelitis since 2002 and from malaria since 2012.

472. Since 2010, a 13-valent pneumococcal vaccine has been gradually introduced in accordance with WHO recommendations. In 2015, 87 per cent of children belonging to target groups received the pneumococcal vaccine.

473. As a result of these efforts, between 2010 and 2015, the incidence of pneumonia fell by a factor of 1.5, mortality from pneumonia among children aged under 1 year by a factor of 2.2 and infant mortality by a factor of 1.7.

474. In the last two years alone (2014 and 2015), the incidence of pneumonia among children aged under 5 years fell by 11 per cent (from 43,054 to 38,387), and the mortality rate among children aged under 5 years fell by 9.5 per cent (from 4.2 per cent to 3.8 per cent), including a fall of 18 per cent among children aged under 12 months (from 3.9 per cent to 3.2 per cent).

475. The Inter-Agency Group for Child Mortality Estimation visited Kazakhstan in June 2013. During its visit, the child and infant mortality rates were recalculated.

476. According to the estimates of the Inter-Agency Group for Child Mortality Estimation, as included in its 2015 report on child mortality, the infant mortality rate in Kazakhstan was 13 per 1,000 live births and the child mortality rate was 14 per 1,000 in 2014.

477. In addition, experts from the Group confirmed the reliability and objectivity of the registration of child and infant mortality in the country.

478. Information on these achievements was included in the official Word Bank database in 2015, and Kazakhstan climbed 20 places (from 98th to 78th) in the ranking of countries by infant mortality rate in the 2014/15 Global Competitiveness Index.

479. In November 2014, the Inter-agency Group for Maternal Mortality Estimation conducted an assessment of maternal mortality (extrapolated for 2015). Its report indicated that the maternal mortality rate was 12, whereas the official rate was 11.7. Thus, according to United Nations estimates, maternal mortality has fallen by 85 per cent, and the difference between these estimates and official data falls within the confidence interval of ±3.

480. The Constitution guarantees free secondary education, which is compulsory. This standard is also established in the Education Act, which corresponds to articles 28 and 29 of the Convention on the Rights of the Child.

481. The Education Act establishes State guarantees for free compulsory preschool education.

482. The various measures taken in the field of education are aimed at ensuring its accessibility and quality.

483. State expenditure on education is increasing year on year: it was 782.6 billion tenge, or 3.6 per cent of GDP, in 2010; 1.4 trillion tenge, or 3.5 per cent of GDP, in 2014; and 1.5 billion, or 3.7 per cent of GDP, in 2015.

484. With regard to preschool education and training, the number of preschool institutions in the network is growing every year, thanks to the Balapan sectoral programme.

485. In 2015, there were 8,834 preschool institutions in Kazakhstan, in which 758,800 children were enrolled (a coverage of 81.6 per cent). In 2010, there were 4,781 preschool institutions, in which 390,400 children were enrolled (41.6 per cent). Coverage is 53.8 per cent among children aged 1 to 6 years (compared to 52.3 per cent in 2014) and 81.6 per cent among children aged 3 to 6 years (versus 78.6 per cent in 2013). In general, compared

with 2014, coverage increased by 1.5 per cent among children aged 1 to 6 years and 3 per cent among children aged 3 to 6 years.

486. Since 2010, 2,388 units have been added to the network of preschool institutions, and 99.7 per cent of children of preschool age now undergo preschool preparation (compared to 88.9 per cent in 2010).

487. There are 7,160 general education day schools (compared to 7,638 in the 2010/11 academic year), at which more than 2.7 million schoolchildren study (2.4 million in 2010/11). The reduction is due to the optimization of ungraded schools.

488. Various measures have been taken in the secondary education system to improve the quality of the content of education.

489. In all schools, since 2013, English has been taught from grade 1 and information technology from grade 5, and an integrated subject entitled "Humankind, Society, Law" has been taught to pupils of grades 9–11.

490. The national plan of action for the development of functional literacy among schoolchildren for 2012–2016 is being implemented. All the curricula in use at the secondary level have been updated to reflect the development of functional literacy among pupils.

491. The logistical capacities of the country's education institutions are being strengthened to ensure that secondary education is accessible and of high quality. The country's general education institutions are being equipped with state-of-the-art subject-specific resource centres, paid for from the national and local budgets. In the 2015/16 academic year, 68.1 per cent of schools (4,876 out of 7,160) were equipped with such resource centres, including 49.6 per cent for physics (3,551 schools); 43.5 per cent for chemistry (3,114 schools); 42.2 per cent for biology (3,021 schools); and 40.0 per cent for languages (2,868 schools).

492. New teaching methods and technologies have been introduced: interactive parks for children (science cities), technology parks and science museums for children.

493. In 2013, a national interactive park for children and young people was opened in the schoolchildren's palace in Astana.

494. The network of Nazarbayev "smart" schools is still being expanded, and there are 20 such schools in 2015 (up from 16 in 2014 and 0 in 2010), with 13,563 pupils. The experience of the Nazarbayev "smart" schools will be applied to the country's general education schools.

495. Systematic work is under way to introduce multilingual education.

496. In the 2014/15 academic year, the State funded an additional 5,358 places on technical and vocational training courses to increase the accessibility to young people of technical and vocational training for technical and technological jobs.

497. Persons studying at technical and vocational education institutions are categorized in legislation as "students", and vocational schools have been rebranded as colleges.

498. Since 1 January 2013, students have received grants and have had their travel expenses reimbursed (four monthly notional units).

499. All educational institutions are fully equipped with computer technology. An electronic learning system is being introduced in the country.

500. Currently, 1,159 secondary, technical and vocational education institutions are connected to the electronic learning system. As part of the project, every educational organization is equipped with modern personal computers, laptops, broadband Internet and a Wi-Fi network.

Recommendation 39

501. The National Security Committee ensures strict compliance with recommendations made by the international community and ratified by the Republic of Kazakhstan

concerning non-discrimination in the realization of the guaranteed rights of ethnic minorities.

502. Thus, in accordance with the Act of 8 January 2013 amending certain legislative acts concerning counter-terrorism, the National Security Committee has drafted and adopted a number of laws and regulations aimed at improving legislation in this area.

503. Their adoption makes it possible for the protection of the interests of individuals, society and the State to be raised to a qualitatively new level.

504. It should be noted that, during the preparation of laws and regulations concerning the National Security Agency, draft texts must be approved by central State bodies, including in terms of their compliance with human rights.

505. In addition, more attention has been paid to the protection of the economic and social rights of citizens, including ethnic minorities susceptible to victimization in the course of the implementation of counter-terrorist measures, through the adoption of government by-laws approving rules governing: the award to individuals and legal entities of compensation for harm caused by the suppression of an act of terrorism by means of the lawful actions of officials of government agencies involved in counter-terrorism; compensation for property damage inflicted on individuals and legal entities as a result of an act of terrorism; the burial of persons who died as a result of the suppression of an act of terrorism that they committed; cooperation between the internal affairs, national security and procuratorial agencies and the Agency for Religious Affairs in countering religious extremism and terrorism in special and correctional institutions; and those amending Government Decree No. 64 of 21 January 2003 approving rules for the social rehabilitation of victims of terrorist attacks.

Recommendation 40

506. In 2016, in implementation of the strategic objectives of the "100 Concrete Steps" national plan and the Head of State's messages to the people of Kazakhstan, approval was given to basic approaches for the transfer to the private sector or to self-regulatory organizations of functions that do not properly belong to the State or are redundant. In addition, in one of its most important structural reforms, the Government undertook to reduce State intervention in the economy to 15 per cent of GDP, the level of Member countries of the Organization for Economic Cooperation and Development (OECD), by 2020.

507. The Government drew up and adopted a programme for the development of productive employment and mass entrepreneurship, which took account of proposals put forward by business, in order to expand entrepreneurs' access to credit, including small loans. In addition, in 2016, work was begun to streamline public service delivery processes (business process re-engineering), which involves eliminating duplicate procedures and reducing delivery periods and the number of documents requested from citizens.

508. Work is now under way to prepare a draft of the new tax code, which involves active participation on the part of State bodies, the business community, the Atameken National Chamber of Entrepreneurs, and non-governmental and international organizations. The new tax code will differ greatly from the current one in terms of structure and ideology and will be more comprehensible. It will also reflect measures to address the shadow economy, to optimize various benefits and incentives, the management of mineral resources, for small- and medium-sized businesses and the agro-industrial sector, a number of conditions have been relaxed and a separate regime has been proposed. The adoption of the code will make it possible for the protection of the interests of individuals, business and the State to be raised to a qualitatively new level.

509. A strategic development plan for the period up to 2025, known as the National Technological Initiative of Kazakhstan, is being drawn up to ensure that economic growth rates are above world averages and that Kazakhstan makes sustained progress towards becoming one of the 30 most developed countries. It will set out six key priorities, including the growth of labour productivity through the technological modernization of the economy; the galvanization of the private sector and entrepreneurial activity; the creation of

a favourable investment climate through the enforcement of the rule of law and a reduction in corruption, and an increase in the personal competitiveness of the country's residents.

510. One of the strategic aims of the work of the Ministry of National Economy is to deepen economic integration and cooperation with international organizations such as the Eurasian Economic Community, the Shanghai Cooperation Organization, the United Nations and OECD.

511. Since the founding of the Eurasian Economic Union, agreements have been reached to accelerate the economic development of its Members. To aid the functioning of the Union, concerted efforts are constantly being made to remove the main trade barriers impeding its work, as well as any exceptions and limitations.

512. The new Customs Code of the Eurasian Economic Community has been adopted. It aims to reduce administrative barriers, introduce advanced information technologies and accelerate customs processing.

513. In accordance with the instructions of the Head of State within the framework of the third modernization of Kazakhstan, a draft national road map has been drawn up to implement OECD best practices and recommendations.

514. This road map is being implemented within the framework of the OECD country programme, which came to an end in 2016. The recommendations of all reviews of the country programme are being implemented within the framework of the road map.

515. In April 2017, Kazakhstan attained Associate status in the OECD Investment Committee (the higher level of membership in OECD committees).

516. The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption was adopted in 2000.

517. The Marriage and Family Code was adopted in 2011.

518. The Hague Convention on the Civil Aspects of International Child Abduction was ratified in November 2012.

519. An Act amending legislation on safeguarding of the right of orphaned children and children without parental care to housing was adopted in July 2013, granting such children a priority right to housing.

520. National legislation on the protection of children's rights is being brought into line with the requirements of the Convention on the Rights of the Child.

521. The legal and regulatory framework in place to protect children's rights is broadly in line with international standards.

522. The most important children's rights, including the rights to life, protection of honour and dignity, personal inviolability, housing, education, social security and social services, health care and medical assistance, and access to cultural values, are enshrined in national legislation.

523. An effective system of interdepartmental cooperation has been set up to protect the rights and legitimate interests of children. The Government's Interdepartmental Commission for Minors and their Rights remains operational.

524. In implementation of the WHO Framework Convention on Tobacco Control, it has been proposed that, as recommended by WHO, a phased increase in excise rates on tobacco products should be incorporated into the Code of 10 December 2008 on Taxes and Other Mandatory Payments to the Budget (the Tax Code).

525. To create a legal framework that protects the rights and interests of donors, recipients and the medical organizations that perform transplants, it has been proposed that it should be stipulated that pregnant women and persons with diseases that threaten life and health cannot be live donors.

526. Persons who donate free of charge have been given the right to an additional day of rest and to continue receiving the average wage. This rule is being introduced to encourage voluntary organ donation.

527. It has been specified that tissues and organs can be removed from a living donor only with his or her written, notarized consent. An exception is made for hematopoietic stem cells, which can be removed without a living donor's written, notarized consent.

Recommendation 61

528. Kazakhstan supports the recommendation concerning the ratification of the Optional Protocol to the Covenant. Efforts to that end will be intensified following the establishment of a trust fund to provide expert and technical assistance to States parties, given the need to identify possible future financial obligations.

Recommendation 62

529. A consultative and advisory body, the Dialogue Platform on the Human Dimension, has been set up under the Ministry of Foreign Affairs to ensure that views are properly monitored and to promote the adoption of essential decisions relating to human rights, and representatives of NGOs, international human rights organizations accredited in Kazakhstan, political parties and State bodies participate in its work.

530. It is a platform for active discussion, where problematic issues and ways of solving them are debated, recommendations for the Government are formulated, and a constructive exchange of views takes place between representatives of human rights organizations and those of the State bodies responsible for the implementation of international obligations.

531. The consultative and advisory body has four subgroups on democracy, the rule of law, human rights and the participation of civil society in the legislative process.

Recommendation 63

532. The Convention on the Rights of Persons with Disabilities was ratified in February 2015.

533. The plan of action to ensure the rights and improve the quality of life of persons with disabilities in Kazakhstan for 2012–2018 has been gradually implemented since 2012 to ensure that work in this area is organized effectively.

534. Within the framework of the first and second stages of the plan of action, measures were taken to improve legislation on the rights, freedoms and interests of persons with disabilities, the principal mechanisms for the employment of persons with disabilities and the creation of a barrier-free environment for such persons were developed, and information campaigns were conducted.

535. At present, of the 163 countries that have signed the Convention, 92 have signed the Optional Protocol, and only 88 have ratified it.

536. In this connection, it is deemed appropriate to defer consideration of the possibility of ratifying the Optional Protocol until the plan of action has been completed and its results have been evaluated.

537. At the current stage, accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would be premature, as additional financial resources from the State budget would be needed to implement some of its provisions.

538. In addition, some of its provisions are not in line with existing national legislation and, moreover, cannot be accepted for implementation, as they conflict with current State policy on attracting foreign labour.

C. Challenges ahead

539. The main strategy paper prepared by the Republic of Kazakhstan, the Kazakhstan 2050 Strategy – A New Political Direction for a Mature State, identifies future challenges in terms of gender equality, the protection of motherhood, childhood, the family and marriage, migration, protection from sexual slavery, the realization by citizens of their right to

judicial protection, the modernization and strengthening of the judicial system, and the strengthening of the authority of the judiciary and of society's confidence in its work.

540. The main aim of socioeconomic policy in the medium term is to continue implementing the country's new course of development and to provide effective and quality economic growth through stable rates of growth in incomes, investment in production and human capital.

541. The country's economic well-being should be determined by the level of development human capital, health, social attitudes, inclusivity, the security of the human environment and the effectiveness of public administration, together with a productive and sustainable economy.

542. The socioeconomic policy currently in place will make it possible to achieve this aim and ensure the country's economic well-being.

543. In the medium term, the main priorities of socioeconomic policy are:

(1) Maintaining macroeconomic and financial stability;

(2) Ensuring sustained economic growth;

(3) Social modernization;

(4) Regional development and management of the urbanization process;

(5) Further development of the public administration system;

(6) International integration.

Maintaining macroeconomic and financial stability

544. Macroeconomic stability will be ensured through the implementation of a new budgetary policy framework and the adoption of measures to maintain inflation at a level conducive to economic growth.

545. In order to provide effective solutions to the challenges facing the Government and the National Bank, a series of measures to reduce inflation to between 3 and 4 per cent in the medium term will be developed. These measures will be balanced so as to maintain the positive results achieved by the country in terms of macroeconomic development and to ensure further stable and sustained economic growth.

546. Budgetary policy will be aimed at increasing the sustainability of public finances and accumulating further wealth for the National Fund.

Ensuring sustained economic growth

547. The aim of economic policy will be to ensure a level of economic growth of between 5 and 6.8 per cent in the medium term by promoting investment activity, further industrializing the economy, modernizing the agro-industrial sector, increasing labour productivity, increasing business activity in the regions, making all sectors of the economy attractive to investors, increasing the country's transit potential and creating new jobs.

548. The growth of the national economy will depend mainly on the growth of domestic demand and the improvement of external export conditions. In order to support domestic demand, State and sectoral programmes that have the greatest multiplier effect on economic growth and employment will be prioritized for funding.

549. The further innovative industrialization of the national economy is a policy that will be implemented within the framework of the second five-year plan for the development of industry and innovation, the aim of which is to develop the manufacturing industry in certain key sectors with due regard to regional differences.

550. OECD best practices and principles of corporate governance will be introduced gradually to make the country more attractive to investors.

551. Efforts to create a favourable environment for small businesses and to offer tailored State support will be continued.

Social modernization

552. The aim of social policy will be to modernize society further through the qualitative upgrading and development of human capital, which will be achieved by developing the health-care system, creating a world-class education system and ensuring the social protection of the population.

553. The pension system will be improved as part of the framework for the further modernization of the pension system up to 2030, which provides for the continuation of the current multi-level pension system and strengthens the responsibility of the State, workers and employers with a view to guaranteeing adequate pension payments and ensuring the long-term financial sustainability of the pension system.

554. In the social sphere, one of the priorities is to find jobs for persons with disabilities, help them to find jobs and ensure their social comfort.

Regional development and the management of the urbanization process

555. The aim of regional policy will be to ensure that economic potential is distributed across the country rationally, to create favourable conditions for livelihoods by stimulating and regulating the processes of urbanization and the development of agglomerations, which are critical to economic growth, and to develop and support promising communities with economic and demographic potential.

556. A policy of managed urbanization is needed to accelerate inclusive socioeconomic growth.

Further development of the public administration system

557. As part of the administrative reform, efforts will continue to be made to improve the public administration system, build a qualitatively new model aimed at ensuring the rights and legitimate interests of citizens, business and society as a whole, create a streamlined Government stripped of excess powers and increase the responsibility of central and local executive bodies.

558. The privatization of individual public services and quasi-public companies will be continued to ensure that State assets are effectively managed and that there is a clear separation between the role of the State and that of private enterprise.

559. In the medium term, the main instrument of economic policy will be the Nurly Zhol State Programme of Infrastructure Development for the period 2015–2019, which includes the following main activities:

- Developing the country's transport and logistics infrastructure;
- Developing industrial infrastructure;
- Developing energy infrastructure;
- Modernizing housing and communal services and water and heat supply networks;
- Improving housing infrastructure;
- Developing social infrastructure;
- Providing support for small and medium-sized businesses and business activities.

560. During his election campaign, the President of the Republic of Kazakhstan, N.A. Nazarbayev, highlighted five areas of reform that would improve the institutional environment and thereby ensure steady growth and enable the Republic of Kazakhstan to become a developed country. These are: improving the public administration system; ensuring the rule of law; stimulating economic growth; strengthening Kazakh identity; and enhancing State transparency and accountability. As part of the implementation of these reforms, a national plan entitled 100 Concrete Steps: A Modern State for All has been adopted and published. Within the framework of the reforms, the most advanced State management instruments and standards used by the most developed countries will be introduced. To this end, on 22 January 2015, a memorandum of understanding was signed

between the Government of the Republic of Kazakhstan and UNCTAD on the implementation of the draft country programme.